



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

### **MINUTES**

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

CLOSED SESSION 3:45 PM (see item 7 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, April 24, 2024 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**  
**SHAYNA VAN HOFTEN, INTERIM 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, April 24, 2024, at 5:00 p.m.

The meeting was called to order at 3:45 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Walsh who arrived at 4:00 p.m. and Director Peeples who was absent. The Board convened in Closed Session to discuss Items 8A-8C as listed on the agenda. Closed Session concluded at 4:56 p.m.

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

**2. ROLL CALL**

Director Peeples arrived to the meeting at approximately 5:37 p.m. and was qualified to participate in the meeting via teleconference. See Item No. 3 for additional information.

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

**3. AB 2449 COMPLIANCE**

Request by Director Peeples to attend the meeting remotely. The Board must take action to approve the request to attend the meeting under emergency circumstances.

Director Peeples arrived to the meeting at approximately 5:37 p.m. and requested to participate in the meeting under the "Emergency Circumstances" provision of the Brown Act. Having determined that Director Peeples met the requirements of AB 2449, and upon approval by the Board to attend the meeting remotely, the Interim General Counsel advised that all votes must be taken by roll call vote.

MOTION: BECKLES/SYED to authorize Director Peeples to attend the meeting by teleconference under the "Emergency Circumstances" provisions of the Brown Act (AB 2449). The motion carried by the following vote:

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

**4. PUBLIC COMMENT**

**Nathanial Arnold**, Vice President of ATU 192 and bus operator, addressed the Board to express frustration over the lack of cooperation on the Realign project, emphasizing the importance of working with the Union to improve public safety and personnel retention.

**5. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

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

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MOTION: McCALLEY/SYED to receive, approve or adopt the items on the Consent Calendar as indicated with the exception of Items 6.D. and 6.K which were pulled off the Consent Calendar. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.A.** Consider approving Board of Directors special meeting minutes of April 10, 2024. [24-266](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: McCALLEY/SYED to approve the Board of Directors special meeting minutes of April 10, 2024. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.B.** Consider approving Board of Directors meeting minutes of April 10, 2024. [24-026](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: McCALLEY/SYED to approve the Board of Directors meeting minutes of April 10, 2024. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.C.** Consider review of Board Policy 322 - Reserve Policy with no amendments. [24-240](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/SYED to receive review of Board Policy 322 - Reserve Policy with no amendments. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.D.** Consider adoption of Resolution No. 24-010 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for Fiscal Year (FY) 2024-25 allocations of Transportation Development Act (TDA), State Transit Assistance (STA), Assembly Bill 1107 (AB 1107), [24-215](#)

Regional Measure 2 (RM2) bridge toll revenues and Regional Measure 3 (RM3) bridge toll revenues.

Staff Contact:

Chris Andrichak, Chief Financial Officer

The item was pulled off the Consent Calendar by Director McCalley. There was no public comment offered.

MOTION: McCALLEY/SHAW to adopt Resolution No. 24-010 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for Fiscal Year (FY) 2024-25 allocations of Transportation Development Act (TDA), State Transit Assistance (STA), Assembly Bill 1107 (AB 1107), Regional Measure 2 (RM2) bridge toll revenues and Regional Measure 3 (RM3) bridge toll revenues. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.E.** Consider adoption of Resolution No. 24-012 authorizing the General Manager or his designee to file and execute applications and funding agreements with the California Department of Transportation (Caltrans) for allocations of the Fiscal Year 2023-24 Low Carbon Transit Operations Program (LCTOP) funds for Tempo operating assistance and the Cutting Boulevard Project, authorizing execution of related Certifications and Assurances, and assigning the General Manager, or his designee, to be the Authorized Agent for resulting LCTOP grants. [24-227](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/SYED to adopt Resolution No. 24-012 authorizing the General Manager or his designee to file and execute applications and funding agreements with the California Department of Transportation (Caltrans) for allocations of the Fiscal Year 2023-24 Low Carbon Transit Operations Program (LCTOP) funds for Tempo operating assistance and the Cutting Boulevard Project, authorizing execution of related Certifications and Assurances, and assigning the General Manager, or his designee, to be the Authorized Agent for resulting LCTOP grants. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.F.** Consider adoption of Resolution No. 24-013 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan [24-228](#)

Transportation Commission for the State of Good Repair (SGR) Program to maintain the District's existing transportation infrastructure and facilities in a state of good repair, upgrade, rehabilitate or make improvements thereto.

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/SYED to adopt Resolution No. 24-013 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to maintain the District's existing transportation infrastructure and facilities in a state of good repair, upgrade, rehabilitate or make improvements thereto. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.G.** Consider adoption of Resolution No. 24-014 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for Fiscal Year (FY) 2023-24 allocations of Regional Measure 3 (RM3) bridge toll revenues. [24-232](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/SYED to adopt Resolution No. 24-014 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for Fiscal Year (FY) 2023-24 allocations of Regional Measure 3 (RM3) bridge toll revenues. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.H.** Consider authorizing the General Manager to exercise the first option year of the contract with Crowe LLP for continued financial auditing services. [21-318a](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/SYED to authorize the General Manager to exercise the first option year of the contract with Crowe LLP for continued financial auditing services. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.I.** Consider adoption of Resolution No. 24-017 approving revisions to the classification specification of Assistant District Secretary. [24-256](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: McCALLEY/SYED to adopt Resolution No. 24-017 approving revisions to the classification specification of Assistant District Secretary. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.J.** Consider adoption of Resolution No. 24-018 approving minor, clarifying amendments to the classification specification for General Counsel/Chief Legal Officer. [24-213](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: McCALLEY/SYED to adopt Resolution No. 24-018 approving minor, clarifying amendments to the classification specification for General Counsel/Chief Legal Officer. The motion carried by the following vote:

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

**Absent:** PEEPLES

- 6.K.** Consider adoption of Resolution No. 24-007 approving a new classification series for the Retirement Plan, including the revised classifications of Executive Officer Retirement Plan, Principal Retirement Plan Analyst, Retirement Plan Analyst, and Retirement Plan Assistant Analyst as well as the new classifications of Deputy Executive Officer Retirement Plan, Senior Retirement Plan Analyst and Retirement Plan Associate Analyst. [24-096](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

There was no presentation of the staff report. Retirement System Manager Damien Charléty presented justification for the creation of new job classifications in the Retirement Department and addressed questions from the Board.

**Public Comment:**

**Owen Goetze**, Vice President of AFSCME 3916, requested that the Board reject the creation of the Deputy Executive Officer of the Retirement Plan arguing that this position will move AFSCME 3916 bargaining unit work to an unrepresented

classification. Goetze requested that the duties of this position remain within Union-represented positions.

MOTION: McCALLEY/SHAW to adopt Resolution No. 24-007, as presented, approving a new classification series for the Retirement Plan, including the revised classifications of Executive Officer Retirement Plan, Principal Retirement Plan Analyst, Retirement Plan Analyst, and Retirement Plan Assistant Analyst as well as the new classifications of Deputy Executive Officer Retirement Plan, Senior Retirement Plan Analyst and Retirement Plan Associate Analyst. The motion failed by the following vote:

**Ayes:** McCALLEY, SHAW

**Nayes:** BECKLES, SYED

**Abstain:** WALSH, YOUNG

**Absent:** PEEPLES

Upon further discussion, the Board bifurcated the matter into the following motions.

MOTION: YOUNG/BECKLES to adopt Resolution No. 24-007, as amended, approving a new classification series for the Retirement Plan, including the revised classifications of Executive Officer Retirement Plan, Principal Retirement Plan Analyst, Retirement Plan Analyst, Retirement Plan Assistant Analyst, the new classifications of Senior Retirement Plan Analyst and Retirement Plan Associate Analyst. The motion carried by the following vote:

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

**Absent:** PEEPLES

Director Peeples joined the meeting at approximately 5:37 p.m. via teleconference. Interim General Counsel van Hoften confirmed that Director Peeples' participation requirement under the AB 2449 provision of the Brown Act was met and subsequently approved by the unanimous vote of the Board (see Item No. 3).

MOTION: SHAW/McCALLEY to continue the consideration of the Deputy Executive Officer Retirement Plan classification until either the budget is considered or sooner, at the discretion of the AC Transit Board President, given the circumstances of the competing decision-makers involved in this particular classification. The motion carried by the following vote:

**Ayes:** SHAW, McCALLEY, PEEPLES, BECKLES, YOUNG

**Nayes:** SYED

**Abstained:** WALSH

## 7. REGULAR CALENDAR

### External Affairs Items - Chair Peeples

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- 7.A.** Consider receiving the Monthly Legislative Report and approve legislative positions. [24-218](#)

Staff Contact:

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

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

External Affairs Representative Steven Jones presented the staff report.

**Public Comment:**

**Brian Culbertson**, Traffic Violence Rapid Response, requested the Board to join in support for State Senate Bills related to traffic speed limit enforcement and funding for transit-only/transit-priority lanes.

**George Spies**, Traffic Violence Rapid Response, commented on the benefits of supporting SB 1031 (regional funding) and SB 960 (Complete Streets) and urged the Board to support these Senate Bills.

**Carter Lavin**, Transbay Coalition, urged the Board to support State Senate Bills 1031 and 960, noting the importance of each bill. Lavin also commented that Representative Eric Swalwell is signing onto House Resolution 7093.

MOTION: WALSH/McCALLEY to approve staff's recommended legislative position excluding SB 961 and SB 1031. The motion carried by the following vote:

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

MOTION: WALSH/PEEPLES to support SB 961 if amended to exclude public transit vehicles due to potential fiscal burden. The motion carried by the following vote:

**Ayes:** WALSH, PEEPLES, BECKLES, SYED, SHAW

**Abstain:** McCALLEY, YOUNG

MOTION: SHAW/YOUNG to continue the staff's recommended WATCH position on SB 1031.

AMENDED MOTION: WALSH/BECKLES to continue the staff's recommended WATCH position and direct staff to bring updates on SB 1031 to the Board at every meeting. The motion carried by the following vote:

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

- 7.B.** Consider receiving a briefing related to accessible wayfinding hardware and software technology solutions. [Requested by Vice [24-253](#)]

President Shaw - 9/13/23.]

Staff Contact:

Ahsan Baig, Chief Information Officer

Innovation and Technology Supervisor Michael Paine presented the staff report. There were no public comments offered.

MOTION: McCALLEY/SHAW to receive a briefing related to accessible wayfinding hardware and software technology solutions. The motion carried by the following vote:

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

### Planning Items - Chair Syed

- 7.C.** Consider the adoption of Board Policy 491 implementing a new District-wide Local Workforce Engagement Policy and authorize the addition of a Compliance Administrator in the District's Fiscal Year 2024-25 budget. [24-113](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Director of Bus Rapid Transit David Wilkins presented the staff report. There were no public comments offered.

MOTION: SYED/YOUNG to continue developing the Local Workforce Engagement Policy and align it with the new district-wide Project Labor Agreement to come to the Board in early 2025. Direct staff to report back to the Board with an analysis of the estimated number of capital projects the policy would apply to, further evaluation of the minimum contract amount the policy would apply to, outreach to stakeholders including the construction industry and labor, and alternatives to creating a new permanent position to administer the program, including contract compliance services.

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

- 7.D.** Consider awarding and authorizing the General Manager to execute a revenue-generating transit shelter advertising contract with Lamar Transit, LLC for a base period of two years with three one-year options to extend with a cumulative Minimum Annual Guarantee of \$1,050,000 in revenue for all five years. [24-229](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Senior Transportation Planner Carissa Lee presented the report.

**Public Comment:**

**Maria Stars**, Director of New Business Development, Lamar Transit, clarified the offer of

services and the expected planned services presented in the staff report.

MOTION: SHAW/YOUNG to authorize the General Manager to execute a revenue-generating transit shelter advertising contract with Lamar Transit, LLC for a base period of two years with three one-year options to extend with a cumulative Minimum Annual Guarantee of \$1,050,000 in revenue for all five years. The motion carried by the following vote:

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

### Operations Items - Chair Shaw

- 7.E.** Consider authorizing the General Manager to execute a contract, jointly with the Bay Area Rapid Transit District (BART), with Spare Labs Inc. (Spare) for Software-As-A-Service (SaaS), including turnkey implementation and support services, for the East Bay Paratransit Consortium (EBPC) for a seven-year term, inclusive of up to a two-year implementation period and a five-year operational period. [24-241](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering  
Ahsan Baig, Chief Information Officer

Accessible Services Manager Mallory Nestor Brush presented the staff report. There were no public comments offered.

MOTION: BECKLES/SYED to authorize the General Manager to execute a contract, jointly with the Bay Area Rapid Transit District (BART), with Spare Labs Inc. (Spare) for Software-As-A-Service (SaaS), including turnkey implementation and support services, for the East Bay Paratransit Consortium (EBPC) for a seven-year term, inclusive of up to a two-year implementation period and a five-year operational period. The motion carried by the following vote:

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

- 7.F.** Consider approving Resolution No. 24-016 continuing the District's current hiring incentive and employee referral pilot programs for the remainder of calendar year 2024. [24-088](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

Director of Human Resources Jannet Picket-Lacy presented the staff report. There were no public comments offered.

MOTION: McCALLEY/YOUNG to adopt Resolution No. 24-016 continuing the District's current hiring incentive and employee referral pilot programs for the remainder of calendar year 2024. The motion carried by the following vote:

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

### Board Administrative Matters - President Young

- 7.G.** Consider approving the draft candidate profile for the General Counsel/Chief Legal Officer position. [24-269](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

*[A revised candidate profile incorporating additional text about the District was presented on behalf of Director Peeples for the Board's consideration and is incorporated into the file by reference.]*

There was no presentation of the staff report. There was no public comment offered.

MOTION: WALSH/PEEPLES to approve the revised draft candidate profile for the General Counsel/Chief Legal Officer position with a modification to add "familiarity with public transit" as a characteristic of the ideal candidate. The motion carried by the following vote:

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

### 8. CLOSED SESSION/REPORT OUT

There were no reportable actions out of closed session.

#### 8.A. Conference with Legal Counsel – Potential Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Two cases)

#### 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 Appointment

(Government Code Section 54957(c))

Title: General Counsel

### 9. AGENDA PLANNING

- 9.A.** Review of Agenda Planning Pending List and Agenda Planning Request Forms. [24-061f](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

No new items were requested.

**10. GENERAL MANAGER'S REPORT**

**10.A.** General Manager's Report for April 24, 2024.

[24-016f](#)

The 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 and Vice President Shaw provided written reports on their attendance at the American Public Transportation Association's Legislative Conference earlier in the month.

**11.A.** Board member travel reports.

[24-288](#)

Written reports were provided for information only.

**12. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 7:56 p.m. The next meeting of the Board is scheduled for May 9, 2024 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary