



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

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, March 22, 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, March 22, 2023, at 5:00 p.m.

Prior to the start of the meeting, General Counsel Jill Sprague confirmed that all requirements of the Ralph M. Brown Act (Govt. Code Sections 54950, et seq.) and the provisions of Board Policy 101, Section 4.9 regarding teleconferenced meetings were met in order for Director Walsh to participate in the meeting remotely and advised that all votes must be taken by roll call vote.

President Young called the Board of Directors meeting to order at 5:04 p.m.

2. ROLL CALL

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

3. PRESENTATION**3.A. Recognition of Bus Operators with 20 years or more of Safe Driving:** [23-184](#)

Yolanda Lomax Binion, 20 Years, (Division 2)

Deborah Scarbrough, 20 Years (Division 2)

Tony Simington, 20 Years (Division 3)

Cheryl Brown, 20 Years (Division 4)

Rogelio Barrientos, 20 Years (Division 6)

William Collins, 25 Years (Division 2)

Michael Wintston, 30 Years (D4)

Claudia Waters, 35 Years (Division 2)

Ricardo Perez, 35 Years (Division 3)

Tejinder Brar, 35 Years (Division 6)

Jerry Strong, 35 Years (Division 6)

Presenters:

Joel Young, President

Michael Hursh, General Manager

Salvador Llamas, Chief Operating Officer

Dwain Crawley, Acting Director of Transportation

Acting Director of Transportation Dwain Crawley made a presentation in recognition of AC Transit bus operators with 20 years or more of Safe Driving. Members of the Board thanked the operators for their incredible record of dedicated service in safely transporting riders each day.

The item was presented for information only.

4. PUBLIC COMMENT

There was no public comment offered.

5. MODIFICATIONS TO THE AGENDA

President Young announced that Items 7.D. (Bus Stop Assessment Project) and 7.E. (Board Policy 200) were removed from 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/McCALLEY to receive, approve, or adopt the items on the Consent Calendar as indicated except Item 6.K., which was pulled off the Consent Calendar by Director Walsh for further discussion, and Items 6.L. & 6.M., which were pulled of the Consent Calendar by Director McCalley for further discussion. The motion carried by the following vote:

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

- 6.A.** Consider approving Board of Directors minutes of March 8, 2023.

[23-099](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

[Revised minutes were presented at the meeting for the Board's consideration.]

MOTION: PEEPLES/McCALLEY to approve the Board of Directors minutes of March 8, 2023. The motion carried by the following vote:

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

- 6.B.** Consider approving Board of Directors minutes for the Special Meeting held on March 8, 2023.

[23-214](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the Board of Directors minutes for the Special Meeting held on March 8, 2023. The motion carried by the following vote:

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

- 6.C.** Consider the adoption of Resolution No. 23-017 modifying the frequency of Accessibility Advisory Committee meetings and attendance requirements for the remainder of calendar year 2023.

[23-218](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to adopt Resolution No. 23-017 modifying the frequency of Accessibility Advisory Committee meetings and attendance requirements for the remainder of calendar year 2023. The motion carried by the following vote:

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

- 6.D.** Consider approving the renumbering of Board Policy 213 Prohibiting Unlawful Employment Discrimination, Harassment and Retaliation to Board Policy 260. [22-454a](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the renumbering of Board Policy 213 Prohibiting Unlawful Employment Discrimination, Harassment and Retaliation to Board Policy 260. The motion carried by the following vote:

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

- 6.E.** Consider approving amendments to Board Policy 461 - Disposition of District Owned Surplus Equipment, Supplies, and Other Tangible District Property. [23-192](#)

Staff Contacts:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Salvador Llamas, Chief Operating Officer

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/McCALLEY to approve amendments to Board Policy 461 - Disposition of District Owned Surplus Equipment, Supplies, and Other Tangible District Property. The motion carried by the following vote:

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

- 6.F.** Consider review of Board Policy 209 - Nepotism Policy with no recommended amendments. [23-153](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: PEEPLES/McCALLEY to receive the review of Board Policy 209 - Nepotism Policy with no recommended amendments. The motion carried by the following vote:

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

- 6.G.** Consider review of Board Policy 211 - Lactation Accommodation Policy with no recommended amendments. [23-154](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: PEEPLES/McCALLEY to receive the review of Board Policy 211 - Lactation Accommodation Policy with no recommended amendments. The motion carried by the following vote:

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

- 6.H.** Consider receiving the Monthly Report on Investments for January 2023. [23-211](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/McCALLEY to receive the Monthly Report on Investments for January 2023. The motion carried by the following vote:

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

- 6.I.** Consider authorizing the General Manager to exercise a one-year option to extend AC Transit's contract with Atlas Towing for towing services. [20-054b](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: PEEPLES/McCALLEY to authorize the General Manager to exercise a one-year option to extend AC Transit's contract with Atlas Towing for towing services. The motion carried by the following vote:

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

- 6.J.** Consider authorizing the General Manager to execute a three-year piggyback agreement with United Site Services through Equalis Group to provide portable restroom trailers and cleaning services for AC Transit operators and field staff. [23-194](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: PEEPLES/McCALLEY to authorize the General Manager to execute a three-year piggyback agreement with United Site Services through Equalis Group to provide portable restroom trailers and cleaning services for AC Transit operators and field staff. The motion carried by the following vote:

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

- 6.K.** Consider receiving a briefing on the District's Open Data Initiative and activities. [23-079](#)

Staff Contact:

Ahsan Baig, Chief Information Officer

Item 6.K. was pulled off the Consent Calendar by Director Walsh to receive the briefing on the District's Open Data initiative and activities. Director of Innovation & Technology Manjit Sooch presented the staff report and addressed questions. There were no public comments were offered.

MOTION: BECKLES/PEEPLES to receive a briefing on the District's Open Data Initiative and activities. The motion carried by the following vote:

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

- 6.L.** Consider authorizing the General Manager to increase the Board approved contract value for the East Bay Bus Rapid Transit (BRT) Project Infrastructure and Station Platform contract by \$6,566,340. [23-009](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Item 6.L. was pulled off the Consent Calendar by Director McCalley to clarify the action that the Board would be taking on this matter. Executive Director of Planning & Engineering Ramakrishna Pochiraju presented information addressing Board member questions. There were no public comments were offered.

MOTION: SHAW/PEEPLES to authorize the General Manager to increase the Board approved contract value for the East Bay Bus Rapid Transit (BRT) Project Infrastructure and Station Platform contract by \$6,566,340. The motion carried by the following vote:

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

- 6.M.** Consider receiving an update on 2022 small and local business utilization and program accomplishments. [23-118](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

Item 6.M. was pulled off the Consent Calendar by Director McCalley who requested clarification of staff's data collection processes, which were addressed by Program Manager Phillip Halley. There were no public comments were offered.

MOTION: McCALLEY/PEEPLES to receive an update on 2022 small and local business utilization and program accomplishments and direct staff to present a follow-up report to the Board in nine months. The motion carried by the following vote:

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

- 6.N.** Consider authorizing the General Manager, or his designee, to partner with the Center for Transportation and the Environment (CTE) and the Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES) to submit a proposal to the U.S. Department of Energy (DOE) to purchase, build and deploy hydrogen infrastructure and fuel cell [23-223](#)

vehicles.

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/McCALLEY to authorize the General Manager, or his designee, to partner with the Center for Transportation and the Environment (CTE) and the Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES) to submit a proposal to the U.S. Department of Energy (DOE) to purchase, build and deploy hydrogen infrastructure and fuel cell vehicles. The motion carried by the following vote:

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

7. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 7.A.** Consider receiving the Monthly Legislative Report, approve staff's recommended legislative positions, and consider the adoption of Resolution No. 23-015 Opposing Initiative 1935 also known as the Taxpayer Protection and Government Accountability Act. [23-209](#)

Staff Contact:

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

External Affairs Representative Steven Jones presented the Staff Report. There were no public comments were offered.

The Legislative Report and Resolution 23-015 were bifurcated.

MOTION: WALSH/BECKLES to approve the legislative positions recommended by staff with a change in position to SUPPORT on AB 365 (from SUPPORT IN CONCEPT), and direct staff to provide additional information in future staff reports to justify staff's recommendations on legislative positions. The motion carried by the following vote:

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

MOTION: SYED/SHAW to adopt Resolution No. 23-015 with an amendment to change the title of the resolution to reflect the title assigned to the initiative by the California Secretary of State. The motion carried by the following vote:

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

Finance and Audit Items - Chair McCalley

- 7.B.** Consider adoption of Resolution 23-016 selecting one of the following options for the planned local and Transbay fare increases: [21-163b](#)

1. implement the previously deferred increases effective July 1, 2023, and defer the second planned local fare increase to July 1, 2024; or
2. defer the implementation of the previously deferred local and Transbay fare increases by one year to July 1, 2024, and defer the second planned local fare increase to July 1, 2025.

Staff Contact:

Chris Andrichak, Chief Financial Officer

Chief Financial Officer Chris Andrichak presented the staff report. There were no public comments offered.

MOTION: BECKLES/WALSH to adopt resolution 23-016 to defer the implementation of the previously deferred local and Transbay fare increases by one year to July 1, 2024, and deferring the second planned local fare increase to July 1, 2025 (Option 2). The motion carried by the following vote:

Ayes: SHAW, BECKLES, WALSH, McCALLEY, PEEPLES

Nayes: YOUNG, SYED

- 7.C.** Consider receiving an overview of staff's proposed FY 2023-24 Budget Goals.

[22-588a](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Director of Management and Budget Richard Oslund presented the staff report. There were no comments from the public.

MOTION: PEEPLES/YOUNG to continue the matter to a date selected by staff to present modifications to the goals as discussed (e.g. FY 2023-24 Budget Goals that are more focused and goal oriented with respect to workforce, equity, service reliability, safety and environmental). The motion carried by the following vote:

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

Planning Items - Chair Syed

- 7.D.** Consider receiving a report on AC Transit's Initiative for Accessible Transit (InACT): Bus Stop Assessments Project. [ITEM REMOVED FROM THE AGENDA]

23-129

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

The item was pulled of the agenda and will be scheduled for a later date.

Operations Items - Chair Shaw

- 7.E.** Consider repealing and replacing Board Policy 200 - Drug and Substance Abuse Policy with Board Policy 200 - Drug and Alcohol Policy for Safety-Sensitive Employees, subject to Federal Transit Administration (FTA) approval and the District meeting its effects and/or decisional bargaining obligations with the unions. **23-193**

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

The item was pulled of the agenda and will be scheduled for a later date.

8. AGENDA PLANNING

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

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

There were no new items added to Agenda Planning.

9. GENERAL MANAGER'S REPORT

- 9.A.** General Manager's Report for March 22, 2023. [23-029e](#)

The report was presented for information only.

10. 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 McCalley reported on travel to American Public Transportation Association 2023 Legislative Conference in Washington DC. during the discussion of the Legislative Report.

11. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 6:53 p.m. The next regular meeting of the Board of Directors is scheduled for March 29, 2023 at 9:00 a.m.

Respectfully Submitted,
/s/Linda A. Nemeroff
District Secretary