



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

### **MINUTES**

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

CLOSED SESSION 4:30 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, September 27, 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 regular meeting on Wednesday, September 27, 2023.

Director Peeples participated via teleconference from the following location:  
500 Hotel Circle North, Business Center, San Diego, California

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 Peeples to participate in the meeting and advised that all votes must be taken by roll call vote.

The meeting was called to order at 4:30 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:48 p.m.

President Young called the meeting order at 5:02 p.m.

**2. ROLL CALL**

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

**3. PUBLIC COMMENT**

**George Spies** urged AC Transit to study the statistics on the number of pedestrians who have been injured and/or killed by speeding vehicles on International Boulevard to determine whether there are limitations to the speed of the busses.

**4. MODIFICATIONS TO THE AGENDA**

President Young announced that Items 5.E. (Title VI Update) and 5.G. (Board Policy 352) were removed from the agenda and would be brought back at a future meeting.

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

There was no public comment on the Consent Calendar.

MOTION: PEEPLES/McCALLEY to receive, approve or adopt the items on the Consent Calendar as indicated. The motion carried by the following vote:

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

**5.A.** Consider approving the Board of Directors/Board Officer Retreat minutes of August 30, 2023.

[23-441](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the Board of Directors/Board Officer Retreat minutes of August 30, 2023. The motion carried by the following vote:

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

- 5.B.** Consider approving Board of Directors minutes of September 6, 2023. [23-463](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the Board of Directors minutes of September 6, 2023. The motion carried by the following vote:

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

- 5.C.** Consider approving Board of Directors minutes of September 13, 2023. [23-110](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the Board of Directors minutes of September 13, 2023. The motion carried by the following vote:

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

- 5.D.** Consider authorizing lodging expenses for President Young to attend the Platinum Advisors 2023 Annual Client Retreat on October 18-19, 2023, in Sonoma, California. [23-461](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to authorize lodging expenses for President Young to attend the Platinum Advisors 2023 Annual Client Retreat on October 18-19, 2023, in Sonoma, California. The motion carried by the following vote:

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

- 5.E.** Consider approving the 2023 update of the AC Transit Title VI Program. [ITEM HAS BEEN PULLED OFF THE AGENDA] **23-395**

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

This agenda item was removed from the agenda and will be rescheduled at a future date.

- 5.F.** Consider authorizing the General Manager to exercise a one-year option from January 1, 2024 through December 31, 2024 with Concentra, CCCMA Occupational Clinic, and Mega Lab Services for drug and alcohol testing, commercial driver license (CDL) medical [20-046b](#)

examinations, and physical agility testing services of prospective and current employees.

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

MOTION: PEEPLES/McCALLEY to authorize the General Manager to exercise a one-year option from January 1, 2024 through December 31, 2024 with Concentra, CCCMA Occupational Clinic, and Mega Lab Services for drug and alcohol testing, commercial driver license (CDL) medical examinations, and physical agility testing services of prospective and current employees. The motion carried by the following vote:

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

- 5.G.** Consider a review of Board Policy No. 352- Payment of Expenditures: **23-451**  
Signature Authorization with minor updates. [ITEM HAS BEEN PULLED  
OFF THE AGENDA]

Staff Contact:

Chris Andrichak, Chief Financial Officer

This agenda item was removed from the agenda and will be rescheduled at a future date.

- 5.H.** Consider receiving the Monthly Legislative Report. **23-416**

Staff Contact:

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

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

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

- 5.I.** Consider adoption of Resolution No. 23-037 in support of California **23-449**  
Clean Air Day 2023.

Staff Contact:

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

MOTION: PEEPLES/McCALLEY to adopt Resolution No. 23-037 in support of California Clean Air Day 2023. The motion carried by the following vote:

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

- 5.J.** Consider the adoption of Resolution 23-019 approving the revised **23-236**  
classifications of the Director of Capital Projects and the Director of  
Marketing, Communications, and Customer Services.

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: PEEPLES/McCALLEY to adopt Resolution 23-019 approving the revised classifications of the Director of Capital Projects and the Director of Marketing, Communications, and Customer Services. The motion carried by the following vote:

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

## **6. REGULAR CALENDAR**

### **External Affairs Items - Chair Peeples**

- 6.A.** Consider approving a process to seek and select candidates for appointment as AC Transit's Representative to the Alameda County Transportation Commission's (ACTC) Paratransit Advisory and Planning Committee (PAPCO). [23-464](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Board Administrative Officer/District Secretary Linda Nemeroff presented the staff report. There were no public comments offered.

MOTION: SHAW/PEEPLES to direct staff to pursue option three as presented, soliciting candidates from both the East Bay Paratransit Access Committee and the General Manager's Access Committee and present applicants to the Board for appointment in October. The motion carried by the following vote:

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

### **Finance and Audit Items - Chair McCalley**

- 6.B.** Consider receiving the Quarterly budget update for the period of July 2022 through the end of June 2023 of FY 2022-23. [23-443](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

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

MOTION: YOUNG/BECKLES to receive the Quarterly budget update for the period of July 2022 through the end of June 2023 of FY 2022-23. The motion carried by the following vote:

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

### **Planning Items - Chair Syed**

- 6.C.** Consider receiving a report on the performance of the District's All-door Boarding Pilot.

[23-356](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Service Planning Manager Michael Eshleman presented the staff report.

**Public Comment:**

**Laurel Paget-Seekins** supported the All-door Boarding pilot for expansion on as many lines as possible in the future.

MOTION: PEEPLES/SYED to receive the report, accept staffs' recommendation and direct staff to report back on plans to expand the all-door boarding pilot, specifying lines that will be affected including fare-enforcement options. The motion carried by the following vote:

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

**Nayes:** YOUNG

**7. CLOSED SESSION/REPORT OUT**

There was nothing to report out of closed session.

**7.A. Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 (a))

Tanouye v. Walker, AC Transit, et al., ACSC Case No. RG21113835

**7.B. Conference with Legal Counsel – Potential Litigation**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (2 Cases)

**7.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

**7.D. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**8. AGENDA PLANNING**

- 8.A.** Review of Agenda Planning Pending List.

[23-028p](#)

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 September 27, 2023.

[23-029p](#)

The report was presented for information only.

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

Members of the Board commented on meetings and events attended since the last Board meeting.

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 6:03 p.m. The next meeting of the Board of Directors is scheduled for Friday, September 29, 2023 at 10 a.m.

Respectfully submitted,

/s/

Linda Nemeroff

Board Administrative Officer/District Secretary