



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 2:45 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 10, 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
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 10, 2024, at 5:00 p.m.

Prior to the start of the meeting, the General Counsel confirmed that Directors Peeples and Walsh met all the conditions to participate in the meeting remotely under the "Just Cause" exception under the Brown Act and advised that all votes must be taken by roll call vote.

The meeting was called to order at 2:45 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Syed who arrived at 2:47 p.m. and Director Walsh who arrived at 2:48 p.m. The Board convened in Closed Session to discuss Items 8A-8F as listed on the agenda. Closed Session concluded at 3:48 p.m.

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

2. ROLL CALL

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

3. PRESENTATION

3.A. Update on Caltrans Activities in the AC Transit Service Area. [24-004](#)
[Requested by Vice President Shaw - 9/13/23]

Staff Contact:

Sergio Ruiz, Chief, Office of Transit & Active Transportation, Caltrans
District 4 Bay Area

Director of Service Planning and Development Robert del Rosario introduced Sergio Cortez and Jack Siau from CalTrans who made a presentation. There was no public comment offered.

The item was presented for information only.

4. PUBLIC COMMENT

Steven Cooper commented on the manner in which the Board members voted on a motion, and then a substitute motion, on the Realign matter at the preceding Board meeting. Cooper noted the lack of clarity presented by the substitute motion on whether recommendations in a staff report are implemented or not. Cooper wished for the establishment of a rule that a proposal which entirely negates a motion, particularly by precluding a vote, cannot advance as an amendment to that motion.

Brian Culbertson asked the Board to expand its safety efforts on International Boulevard citing recent statistics on pedestrian fatalities before and after the installation of the Bus-Only lanes and supported the advancement of quick-build projects which can expeditiously address this issue.

George Spies, Traffic Violence - Rapid Response, agreed with the previous public speaker on

the need for more safety measures on International Boulevard and added additional examples of successful safety measures for Board consideration.

Joaniinha urged the Board not to remove the bus stop at 4135 Park Boulevard because it is an essential transit connection for elderly Chinese residents at this address.

Josephine urged the Board not to remove the bus stop at 4135 Park Boulevard and expressed the significant inconvenience to the elderly residents to travel further away to catch the local bus.

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 for items on the Consent Calendar.

MOTION: PEEPLES/BECKLES 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

- 6.A.** Consider approving Board of Directors meeting minutes of December 13, 2023. [24-017](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

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

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

- 6.B.** Consider adoption of Resolution No. 24-001 approving amendments to Board Policy 140 - Candidates Statement of Qualification Costs. [24-015](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/BECKLES to adopt Resolution No. 24-001 approving amendments to Board Policy 140 - Candidates Statement of Qualification Costs. The motion carried by the following vote:

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

- 6.C.** Consider receiving the General Manager's Access Committee minutes of November 14, 2023. [24-089](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/BECKLES to receive the General Manager's Access Committee

minutes of November 14, 2023. The motion carried by the following vote:

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

- 6.D.** Consider receiving report on the Board Policies scheduled for review and/or amendment during Calendar Year 2024. [24-013](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

[A revised Board Policy Review Schedule was provided at the meeting for the Board's consideration.]

MOTION: PEEPLES/BECKLES to receive report on the Board Policies scheduled for review and/or amendment during Calendar Year 2024. The motion carried by the following vote:

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

- 6.E.** Consider a review of Board Policy 216 - Smoke and Vape-Free Environment with no recommended amendments. [24-005](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: PEEPLES/BECKLES to approve Board Policy 216 - Smoke and Vape-Free Environment with no recommended amendments. The motion carried by the following vote:

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

- 6.F.** Consider the adoption of Resolution No. 24-002 approving the new classification of Purchasing Supervisor and the revised classifications of Manager of Safety, formerly the Safety Manager, and the Manager of Public Safety and Security, formerly the Protective Services Manager. [24-002](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: PEEPLES/BECKLES to adopt Resolution No. 24-002 approving the new classification of Purchasing Supervisor and the revised classifications of Manager of Safety, formerly the Safety Manager, and the Manager of Public Safety and Security, formerly the Protective Services Manager. The motion carried by the following vote:

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

- 6.G.** Consider receiving the Monthly Report on Investments for October 2023. [24-009](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

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

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

- 6.H.** Consider authorizing the General Manager to execute an amendment to an existing contract with Prophix Software, Inc., to provide continued services and technical support for the District's budget system for a term of three years. [23-526a](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/BECKLES to authorize the General Manager to execute an amendment to an existing contract with Prophix Software, Inc., to provide continued services and technical support for the District's budget system for a term of three years. 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 adoption of Resolution No. 24-003 supporting the Seamless Transit Principles. [Requested by Director Beckles - 9/13/2023] [24-060](#)

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. Director Peoples submitted a handout concerning "Public Subsidies and Race of Riders" for the Board's information.]

Director of Legislative Affairs and Community Relations Claudia Burgos presented the staff report.

Public Comment:

George Spies expressed support for the Seamless Transit Principles, emphasizing that they are 'principles' to guide transit agency decision-making without committing any agency to stop operating independently. Spies commented that the Board's endorsement of these principles would only act as guidelines towards future decision making.

Steven Cooper commented how the headings of the Seamless Transit Principles are likeable but the text underlying them lack meaningful substance for AC Transit riders. Cooper noted that AC Transit's participation in the development of the Regional Network Management facilitates the Board to outline its own perspective on this project and the Seamless Transit Principles presented for Board adoption are not

aligned with AC Transit's focus on the societal role of mass transit.

Brian Culbertson noted that the Seamless Transit Principles are useful for multimodal transit riders. Culbertson cited an example of how Bay Area multimodal public transit is more expensive than traveling by personal automobile compared to Los Angeles.

David Sorrell, Seamless Bay Area, commented that the Seamless Transit Principles are a living document which creates opportunity and empowers transit agencies for transit planning regardless of financial standing. Sorrell noted that the resolution provides a momentous impact for all communities while continuing efforts to erase some of the racial injustices that have been made.

Alfred Twu uses of many forms of public transit in the Bay Area and expressed strong support for the Board's adoption of the resolution. Twu noted that the bus services with the highest ridership are the ones which connect with other transit agencies.

Adina Levin, Seamless Bay Area, commented that efforts to create a seamless transit system, like the all-agency pass pilot program, have increased transit ridership. Levin noted public advocacy group support for the principles and urged the Board to approve the resolution.

MOTION: YOUNG/SYED to continue the agenda item to a future meeting in order to gather further input from the public, staff and Board Directors and bring the revised principles for the Board's consideration. The motion carried by the following vote:

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

- 7.B.** Consider approving amendments to Board Policy 110 - Public Hearing Policy for the Board of Directors. [24-001](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Jill A. Sprague, General Counsel/Chief Legal Officer

[An additional amendment to the policy regarding fare decreases of more than six months was provided at the meeting for the Board's consideration.]

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

MOTION: PEEPLES/McCALLEY to approve amendments to Board Policy 110 - Public Hearing Policy for the Board of Directors. The motion carried by the following vote:

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

Board Administrative Matters - President Young

- 7.C.** Consider approving amendments to the General Manager and District Secretary's Employment Agreements. [24-083](#)

Presenter:

Joel Young, Board President

Prior to taking action, President Young gave an oral report summarizing the compensation and fringe benefits associated with each contract as required by the Brown Act. There was no public comment offered.

MOTION: PEEPLES/SHAW to approve amendments to the General Manager and District Secretary's Employment Agreements. The motion carried by the following vote:

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

SELECTION OF PRESIDENT/VICE PRESIDENT OF THE BOARD

- 7.D.** Consider report from the Nominating Committee and election of the 2024 Board President and Vice President. [24-014](#)

Presenter:

Chair of the Nominating Committee

Vice President Shaw reported that the Nominating Committee recommended the selection of Director Young as the Board President and Director Shaw as Vice President for the calendar year 2024. There were no other nominations or public comments offered.

MOTION: YOUNG/PEEPLES to approve selection of Director Young as the Board President and Director Shaw as the Vice President for calendar year 2024. The motion carried by the following vote:

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

Nays: WALSH

8. CLOSED SESSION/REPORT OUT

General Counsel Jill Sprague reported out on the following:

MOTION: PEEPLES/SYED to approve settlement in the amount of \$1,840,750.00 in the matter of Kendall Tanouye v. Mary Louise Walker, an individual; Alameda Contra Costa Transit District, et al., ACSC Case No. RG21113835. The motion carried by the following vote:

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

President Young reported that the Board had appointed Shayna van Hoften with Hanson Bridgett LLP to the position of Interim General Counsel as a temporary replacement for the outgoing General Counsel Jill Sprague.

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

- Kendall Tanouye v. Mary Louise Walker, an individual; Alameda Contra Costa Transit District, et al., ACSC Case No. RG21113835 - Kendall Tanouye v. Mary Louise Walker, an individual; Alameda Contra Costa Transit District, et al., ACSC Case No. RG21113835

8.B. Conference with Legal Counsel – Potential Litigation

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

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 Counsel

8.E. Conference with Labor Negotiator

(Government Code Section 54957.6)

Agency Designated Representatives: Joel Young, Board President

Title: General Counsel, Interim General Counsel

8.F. Public Employee Appointment

(Government Code Section 54957(b))

Title: Interim General Counsel

9. AGENDA PLANNING

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

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 10, 2024. [24-016](#)

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.

12. ADJOURNMENT

President Young adjourned the meeting in honor of Oakland Police Officer Tuan Le who was killed on duty and asked that a letter of condolence be sent to Mr. Le's family. The meeting adjourned at 6:48 p.m. The next meeting of the Board is scheduled for January 24, 2024 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary