



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

### **MINUTES**

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

CLOSED SESSION 3:00 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, June 26, 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**

**TELECONFERENCE:**

Director H. E. Christian Peeples, 13328 San Pablo Avenue, Room 9B, San Pablo, California 94806

**1. CALL TO ORDER**

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, June 26, 2024, at 5:00 p.m.

Prior to the start of the meeting, Interim General Counsel Shayna van Hoften 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 4:15 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Walsh who arrived at 4:20. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:36 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.** Recognition of long-tenured District employees on the occasion of their retirement from AC Transit:

[24-386](#)

- Furley Jackson, Bus Stop Maintenance Worker (44 years)
- Jan Runnells, Division 4 Bus Operator (37 years)

Staff Contacts:

Michael Hursh, General Manager

Salvador Llamas, Chief Operating Officer

General Manager Hursh and Chief Operating Officer Llamas presented commemorative awards to Furley Jackson and Jan Runnells honoring their decades-long careers with AC Transit. Members of the Board expressed their appreciation and gave congratulatory remarks.

**4. PUBLIC COMMENT**

[Written Comment received prior to the meeting is attached hereto as Exhibit A.]

**Jane Kramer** suggested that AC Transit hire a consultant to poll riders so the District can provide services that customers want.

**George Spies** commented on vehicles speeding in the bus-only lane, causing an accident at 102nd & International Boulevard, and commended AC Transit for addressing safety concerns on the corridor.

**Alice Maynard** commented on the Realign Project (Line 51 versus 19), saying that Line 19 is not an improvement for Alameda residents due to the 60-minute run time and because service only runs until 10 p.m.

**Brian Culbertson** addressed the Board to correct a comment stated at the Oakland ILC meeting regarding the nonexistence of police traffic enforcement on International Boulevard. Culbertson noted that 25% of Oakland police resources are designated to International Boulevard creating an enforcement approach.

## 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 offered on the Consent Calendar.

MOTION: McCALLEY/SHAW to receive, approve and adopt the items on the Consent Calendar as indicated except items 6.C., 6.D., and 6.F. which were pulled off for clarification. The motion carried by the following vote:

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

- 6.A.** Consider receiving the Quarterly budget update for the period of July 2023 through the end of March 2024 of FY 2023-24. [24-284](#)

Staff Contact:  
Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/SHAW to receive the Quarterly budget update for the period of July 2023 through the end of March 2024 of FY 2023-24. The motion carried by the following vote:

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

- 6.B.** Consider authorizing the release of a Request for Proposals (RFP) for Insurance Broker Services. [24-291](#)

Staff Contact:  
Shayna van Hoften, Interim General Counsel/Chief Legal Officer

MOTION: McCALLEY/SHAW to authorize the release of a Request for Proposals (RFP) for Insurance Broker Services. The motion carried by the following vote:

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

- 6.C.** Consider approving the release of a Request for Proposals (RFP) for [24-356](#)

Drug and Alcohol Testing, Medical Examinations, and Physical Agility Testing Services.

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

Item 6.C. was pulled off the Consent Calendar by Director Walsh. Staff addressed questions from the Board.

MOTION: YOUNG/PEEPLES to approve the release of a Request for Proposals (RFP) for Drug and Alcohol Testing, Medical Examinations, and Physical Agility Testing Services. The motion carried by the following vote:

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

- 6.D.** Consider whether to adopt Resolution No. 24-024 reappointing Stewart Chen, Henry Levy, and Igor Tregub to the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee for a three-year term commencing on September 1, 2024, or direct the District Secretary to conduct a recruitment to fill any upcoming vacancies on the Committee. [24-359](#)

President Young pulled Item 6.D. off the Consent Calendar in order for staff to provide the Board with an overview of two the options regarding the process to make appointments to the Committee.

MOTION: McCALLEY/SHAW to adopt Resolution No. 24-024 reappointing Stewart Chen, Henry Levy, and Igor Tegub to the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee for a three-year term commencing on September 1, 2024. The motion carried by the following vote:

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

- 6.E.** Consider the adoption of Resolution No. 24-025 providing notice of the scheduled adoption of the District's Appropriations Limit for Fiscal Year 2024-25. [24-383](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/SHAW to adopt Resolution No. 24-025 providing notice of the scheduled adoption of the District's Appropriations Limit for Fiscal Year 2024-25. The motion carried by the following vote:

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

- 6.F.** Consider receiving an update on the Next Generation Clipper (C2) Program Implementation. [24-355](#)

Staff Contact:

Ahsan Baig, Chief Information Officer  
Beverly Greene, Executive Director of External Affairs, Marketing & Communications

Item 6.F. was pulled off the Consent Calendar by Director Walsh. Staff addressed questions from the Board.

MOTION: YOUNG/PEEPLES to receive the update on the Next Generation Clipper (C2) Program Implementation. 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 adoption of Resolution No. 24-003 supporting and supplementing the Seamless Transit Principles and the means and objectives for transit service integration in the nine-county San Francisco Bay Area. [Previously considered by the Board of Directors on January 10, 2024. Requested by Director Beckles - 9/13/23]

[24-060a](#)

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.]

[A revised Exhibit B reflecting the correction of a typographical error is incorporated into the file by reference. A revised resolution presented by Director Syed was provided at the meeting and is incorporated into the file by reference.]

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

#### **Public Comment:**

**Jane Kramer** commented on collaboration with other transit agencies to problem solve remaining glitches in the system.

**Brian Culbertson** commented on approving the Seamless principles to address historical segregation and lack of equity in current funding.

**George Spies** commented on the complexities of Exhibit B and suggested adoption of the primary principles.

**Rachel Hollowgrass** commented on Lines 6 and 51 and noted support of the Seamless transit principles about equity. Hollowgrass expressed support for coordination between local transit agencies (BART/Ferry) regarding signage, fares and schedules.

**Carter Lavin**, Transbay Coalition, expressed support of the Seamless principles, regional coordination and working collaboratively with other Eastbay/transbay agencies.

**Jesse Gunn**, Ward 6 Board Candidate, expressed strong support of the Seamless transit principles, ensuring more integrated, efficient, user-friendly services to enhance ridership and overall rider experience.

**Deena Levin**, Seamless Bay Area Co-founder/Advocacy Director, expressed support of the Seamless principles with the amendments suggested by Director Syed to provide better mobility for the community.

**Warren Cushman** expressed support of the Seamless principles and how it will better support people with disabilities.

**Alita Dupree** expressed support of the Seamless principles and how local transit agencies should be complementary, not competitive. Dupree also mentioned the Bay Pass pilot, which has increased ridership by 40% and could do the same for AC Transit.

**Sam Greenberg** noted personal support for the Seamless principles as a guiding light and putting riders first to increase transit use.

**Brian Harris**, City of Richmond commission on aging/transportation chair, expressed support of Seamless principles and its importance to seniors.

MOTION: BECKLES/WALSH to adopt revised Resolution No. 24-003 as drafted by Director Syed, excluding Exhibit B.

Discussion ensued regarding the inclusion of Exhibit B (submitted by a member of the public), with several Board members agreeing that it should not be included in the resolution. While several Board member's found Director Syed's revised resolution acceptable, concerns were expressed that people with disabilities (and other marginalized groups) were not included as a group(s) desperate of equal access. Further, a concern was also raised about the whereas clause that started with, "...historical segregation..." and clarity was sought with regard to the last sentence of the first whereas clause which references the region's failure to redress discriminatory transportation and housing investments and policies. There was also a request to include one item from Exhibit B (Item 7) regarding "Reform to the institutional structure of the Metropolitan Transportation Commission (MTC) to help prioritize fixed-route mass transit", including transit agency representation on MTC which is one of AC Transit's legislative priorities.

Director Syed was amenable to some of the ideas suggested in order to gain consensus and vocalized several changes that could be made. There was additional discussion on the nuances of the whereas clauses and the sections of the resolution, and there was concurrence that additional edits come back to the Board in writing.

MOTION TO AMEND BY SUBSTITUTION: YOUNG/SHAW to continue the item to the next meeting subject to Director Syed providing proposed edits to the resolution to staff. The matter of placing the item on the Consent Calendar will be taken up at the time of agenda setting. The motion carried by the following vote:

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

**Absent:** BECKLES

- 7.B.** Consider receiving a report on the implementation of Senate Bill 434 (Min) and the District's current rider harassment reporting procedures. [Requested by Vice President Shaw - 2/14/24] [24-293](#)

Staff Contact:

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

Market Research Manager Michelle Schurig presented the staff report. There was no public comment offered.

MOTION: SHAW/McCALLEY to receive the report on the implementation of Senate Bill 434 (Min) and the District's current rider harassment reporting procedures. The motion carried by the following vote:

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

**Absent:** BECKLES

- 7.C.** Consider receiving the Monthly Legislative Report and approving legislative positions, if necessary. [24-351](#)

Staff Contact:

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

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

**Public Comment:**

**Alita Dupree** agreed with the legislative ideas toward producing hydrogen from renewable sources and a surplus of solar electricity.

MOTION: PEEPLES/SHAW to receive the Monthly Legislative Report and approve the Support position on Senate Bill 1420 as recommended. The motion carried by the following vote:

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

**Absent:** BECKLES

- 7.D.** Consider receiving an update on the AC Transit EasyPass and Institutional Pass Programs. [24-252](#)

Staff Contact:

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

Marketing and Communications Manager Andrew Nern presented the staff report. There was no public comment offered.

MOTION: WALSH/PEEPLES to receive the update on the AC Transit EasyPass and Institutional Pass Programs. The motion carried by the following vote:

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

**Absent:** BECKLES

### Planning Items - Chair Syed

Director Beckles returned to the meeting at 7:01 p.m.

- 7.E.** Consider receiving the annual progress report on AC Transit's Zero Emission Program.

[24-371](#)

Staff Contact:

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

Director of Business Sciences William Tonis presented the staff report.

#### **Public Comment:**

**Brian Culbertson** believed that the best thing AC Transit can do for the climate is to get more people on buses. Culbertson advocated for the use of green hydrogen and following the principles set forth by the California Environmental Justice Alliance, adding that operating funds should be spent on service recovery and ensuring that zero emission buses are net positive.

**Alita Dupree** expressed support of zero emission buses, hydrogen/batteries.

Director Syed motioned to receive the report and direct staff to report back to the Board prior to the decision for a new contract on hydrogen fuel on whether the contract meets the environmental justice equity principles for green hydrogen in California. The motion died for lack of a second.

MOTION: YOUNG/PEEPLES to receive the annual progress report on AC Transit's Zero Emission Program. The motion carried by the following vote:

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

MOTION: SYED/PEEPLES to direct staff to report back to the Board with an assessment of the environmental justice equity principles for green hydrogen in California. The motion carried by the following vote:

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



**Nayes:** SHAW

**Abstained:** YOUNG

**8. CLOSED SESSION/REPORT OUT**

The items for consideration are listed below and will be reported on by the General Counsel as necessary at the end of the meeting.

There was nothing to report out of closed session.

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

(Government Code Section 54956.9 (a))

- Hernandez v. AC Transit, Alameda County Superior Court Case No. 22CV006226

**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 Appointment**

(Government Code Section 54957(c))

Title: General Counsel

**9. AGENDA PLANNING**

Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of three Directors, including the requestor.

- 9.A.** Review of Agenda Planning Pending List and Agenda Planning Request [24-061j](#)  
Form submitted by Director Walsh.

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

With concurrence by Vice President Shaw and Director Syed, Director Walsh's request was accepted.

**10. GENERAL MANAGER'S REPORT**

- 10.A.** General Manager's Report for June 26, 2024. [24-016j](#)

The report was presented for information only.

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

- 11.A.** Written reports from Board members on travel to District-related conferences occurring in the last 30 days.

[24-308](#)

Written report was provided at the meeting for the Board's information.

**12. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 7:32 p.m. The next meeting of the Board is scheduled for July 10, 2024 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary

## June 26, 2024 Board of Directors Meeting

### Exhibit A

#### Item

#### 4. PUBLIC COMMENT

##### Public Comments

- Guest User: As a regular transit rider and citizen interested in common sense improvements to public transportation, I call on your agency to please support and implement Seamless Transit Principles. Thank you