



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 3:15 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, July 12, 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, July 12, 2023, at 5:00 p.m.

Director Peeples participated remotely from the following address as indicated on the meeting agenda: Asilomar Hotel & Conference Grounds, Business Center, 800 Asilomar Boulevard, Pacific Grove, CA 93950. Prior to the start of the meeting, General Counsel Jill Sprague confirmed that all requirements of the Ralph M. Brown Act (Govt. Code Sections 54953, 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 3:15 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Peeples who arrived at 3:21 p.m., Director Walsh who arrived at 3:25 p.m. and Director Beckles who arrived at 4:41 p.m. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:51 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. PUBLIC COMMENT

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

Natalie Mall, Transport Oakland, requested that future Bus Rapid Transit lines have protected bus only lanes and that the public be given the opportunity to give comments and input on those sorts of design meetings.

Anwar Baroudi, Transport Oakland, requested temporary safety measures be implemented on the Bus Rapid Transit line until permanent ones could be designed.

4. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

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

MOTION: PEEPLES/McCALLEY, to receive or approve 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 Board of Directors minutes of June 28, 2023.

[23-106](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve Board of Directors minutes of June 28, 2023.
The motion carried by the following vote:

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

- 5.B.** Consider receiving the General Manager's Access Committee minutes of May 9, 2023. [23-353](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to receive the General Manager's Access Committee minutes of May 9, 2023. The motion carried by the following vote:

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

- 5.C.** Consider authorizing the General Manager to amend the Transit Service Agreements with Stanford University and Stanford Health Care for continued operation of Line U bus service for one year through August 31, 2024, with five (5) one-year options through August 31, 2029. [17-232c](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to authorize the General Manager to amend the Transit Service Agreements with Stanford University and Stanford Health Care for continued operation of Line U bus service for one year through August 31, 2024, with five (5) one-year options through August 31, 2029. The motion carried by the following vote:

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

6. REGULAR CALENDAR

Finance and Audit Items - Chair McCalley

- 6.A.** Consider adoption of Resolution 23-030 approving the District's continued participation in the Clipper START Program, approving a discount (Option 1: 20% or Option 2: 50%), and authorizing the General Manager or his designee to file and execute applications with the Metropolitan Transportation Commission (MTC) for the Program. [20-293a](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

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

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

comments offered.

MOTION: SYED/BECKLES to adopt Resolution 23-030 approving the District's continued participation in the Clipper START Program, approving a discount of 50%, and authorizing the General Manager or his designee to file and execute applications with the Metropolitan Transportation Commission (MTC) for the Program. Direct staff to develop metrics to measure the success of the District's participation in the program. The motion carried by the following vote:

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

- 6.B.** Consider receiving an update on the implementation of free transfers. [23-299](#)
[Requested by Vice President Shaw - 9/9/22]

Staff Contact:

Chris Andrichak, Chief Financial Officer
Beverly Greene, Executive Director of External Affairs, Marketing & Communications

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

MOTION: YOUNG/SHAW to receive an update on the implementation of free transfers. The motion carried by the following vote:

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

Operations Items - Chair Shaw

- 6.C.** Consider the adoption of Ordinance No. 19 establishing use of forward-facing cameras on Alameda-Contra Costa Transit District-owned public transit vehicles to issue citations and establish civil penalties for parking violations in transit-only traffic lanes and transit stops; and repeal Ordinance 18. [23-343a](#)

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer
Salvador Llamas, Chief Operating Officer

General Counsel Jill Sprague presented the report. There were no public comments offered.

MOTION: YOUNG/PEEPLES to adopt Ordinance No. 19 establishing use of forward-facing cameras on Alameda-Contra Costa Transit District-owned public transit vehicles to issue citations and establish civil penalties for parking violations in transit-only traffic lanes and transit stops; and repeal Ordinance 18. The motion carried by the following vote:

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

Board Administrative Matters - President Young

- 6.D.** Consider approving various amendments to Board Policy 155 - Travel, Meeting and Miscellaneous Expense Reimbursements for Directors and Board Officers to incentivize the use of public transit to further the District's environmental goals and receive an update on the concept of carbon offsets for Board travel [Requested by Director Peeples - 9/25/19] [23-247a](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Board Administrative Officer/District Secretary Linda Nemeroff presented the report and requested an additional amendment to lift restrictions on seat selection fees for coach airline travel. There were no public comments offered.

MOTION: SHAW/SYED to approve amendments to Board Policy 155 - Travel, Meeting and Miscellaneous Expense Reimbursements for Directors and Board Officers as presented with the inclusion of an additional amendment to lift restrictions on seat selection fees for coach airline travel; and receive an update on the concept of carbon offsets for Board travel. The motion carried by the following vote:

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

- 6.E.** Consider approving the draft agenda for the Board of Directors/Board Officers Retreat scheduled for August 30, 2023 at 9:00 a.m. [23-351](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

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

MOTION: SHAW/McCALLEY to approve the draft agenda for the Board of Directors/Board Officers Retreat scheduled for August 30, 2023 at 9:00 a.m. as presented. The motion carried by the following vote:

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

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))

Collins v. AC Transit, WCAB Case Nos. ADJ11363885, ADJ11299344, ADJ11363866, ADJ8513562
Gonzalez v. AC Transit, WCAB Case Nos. ADJ10535147, ADJ13294677

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 and Agenda Planning Request Forms. [23-028I](#)

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 July 12, 2023. [23-029I](#)

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.

11. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 6:09 p.m. The next meeting of the Board is scheduled for July 26, 2023 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary

**Board of Directors Meeting
July 12, 2023**

Item 3. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Public Comments

- Jay Garfinkle: This was submitted as a comment for the 7/12 bd mtng. I may have to resend it depending on a response or no response for confirmation. July 11, 2023 Honorable Members of the Board of AC Transit, On June 29, 2023 I submitted the following PRA request to AC Transit: June 29, 2023 Please provide copies of communications, both sent and received, between AC Transit and offices of the City of Alameda regarding the City's plans to restripe Park Street and Webster Street, AKA Commercial Streets Project". This request covers all such documents both postal and/or electronic between January 1, 2019 and July 2023. Thank you. Jay Garfinkle When I followed up today, July 11, 2020, I noted that the case had been marked "closed" and the accompanying message indicated that no records had been found. It appears that there have apparently been no documented communications between the offices of AC Transit and any office of the City of Alameda regarding the City Staff's proposal to transition their Temporary Commercial Streets Project to the status of a Permanent Commercial Streets Project. Note that while Park Street and Webster Street have historically included two traffic lanes in both the North and Southbound directions, the Temporary Commercial Streets Project includes construction of parklets and the narrowing of both streets which resulted in there being only one traffic lane in each direction. As your drivers can attest this has caused significant congestion and chaos which has adversely affected their ability to transit efficiently along these two streets. City Staff has told the City Council and the general public that AC Transit is aware of the Project and has found it and the proposed restriping to be acceptable and of no concern to AC Transit. This restriping project will include the addition of Bike lanes and concrete barriers that will have the effect of transitioning the Project which was initially represented to be temporary. We were told that the streets would be returned to their pre-pandemic configuration once the pandemic had abated and the "Stay at Home" mandate had been lifted. It would seem to me that if AC Transit has given its blessings for the restriping to proceed, that there would exist written documentation of relevant communications between AC Transit and the City of Alameda. I would appreciate confirmation that AC Transit looks favorably on the proposed restriping project and has no written documentation of communications between the City and itself relevant to the proposed restriping project. Thank you. Jay Garfinkle
- Guest User: Re: July 12, 2023 Board Meeting comments that AC Transit should go to fully districted elections to comply with the California Voting Rights Act Dear AC Transit Directors, I am writing to request that you remove the at-large board seats and go to all districts. We need representatives who can better speak for their specific constituent needs. Given the amount of diversity in the AC Transit jurisdiction overall, it is important to uplift equity and this can be done by ALL BOARD SEATS representing designated districts. Most special districts and cities in the East Bay have already switched to all district elections due to the California voting rights act. The only exceptions have been smaller cities, but no other district of this size uses at-large elections! Residents who are in a minority, underrepresented, group because of some attribute, such as ethnicity, gender, socioeconomic status, physical ability, transportation or other environmental need, have their votes diluted by the at-large seats and they are therefore under-

EXHIBIT A

represented on the board. Although they may be a majority voice in their smaller community, their specific needs cannot be sufficiently met until AC Transit switches to all district elections. This improvement in AC Transit's infrastructure and management would allow communities to elect Directors that represent them more closely and align with the California Voting Rights Act. Please work for us to drive the shift to all district elections! Sincerely, Ann E. Maris, PhD 1490 Grove Way Castro Valley CA 94546 510-303-4968 ann@grovetwayneighborhood.org Eden Community Land Trust, Board Member Friends of San Lorenzo Creek, Board Member Grove Way Neighborhoods Association, Founder Cherry Grove Resilience, Founder Alameda County Measure A, Public Health, Citizens Oversight Committee Member, representing Alameda County Taxpayers Association Hayward Unified School District Bond Measures Citizen Oversight Committee Member

July 11, 2023

To: The Honorable AC Transit Board of Directors (by email)
My representative is Murphy McCalley, mmccalley@actransit.org,
Joel B. Young, jyoung@actransit.org,
Diane Shaw, dshaw@actransit.org,
H.E. Christian Peeples, cpeeples@actransit.org,
Jean Walsh, jwalsh@actransit.org,
Jovanka Beckles, jbeckles@actransit.org,
Sarah Syed, ssyed@actransit.org

Re: July 12, 2023 Board Meeting comments that AC Transit should go to fully districted elections to comply with the California Voting Rights Act

Dear AC Transit Directors,

I am writing to request that you remove the at-large board seats and go to all districts. We need representatives who can better speak for their specific constituent needs. Given the amount of diversity in the AC Transit jurisdiction overall, it is important to uplift equity and this can be done by ALL BOARD SEATS representing designated districts.

Most special districts and cities in the East Bay have already switched to all district elections due to the California voting rights act. The only exceptions have been smaller cities, but ***no other district of this size uses at-large elections!*** Residents who are in a minority, underrepresented, group because of some attribute, such as ethnicity, gender, socioeconomic status, physical ability, transportation or other environmental need, have their votes diluted by the at-large seats and they are therefore under-represented on the board. Although they may be a majority voice in their smaller community, their specific needs cannot be sufficiently met until AC Transit switches to all district elections. This improvement in AC Transit's infrastructure and management would allow communities to elect Directors that represent them more closely and align with the California Voting Rights Act.

Please work for us to drive the shift to all district elections!

Sincerely,

Ann E. Maris, PhD
1490 Grove Way
Castro Valley CA 94546
510-303-4968
ann@grovewayneighborhood.org

Eden Community Land Trust, Board Member
Friends of San Lorenzo Creek, Board Member
Grove Way Neighborhoods Association, Founder
Cherry Grove Resilience, Founder
Alameda County Measure A, Public Health, Citizens Oversight Committee Member,
representing Alameda County Taxpayers Association
Hayward Unified School District Bond Measures Citizen Oversight Committee Member