



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 4:15 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, April 26, 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, April 26, 2023.

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 was absent. The Board convened in Closed Session to discuss Items 8A-8D as listed on the agenda. Closed Session concluded at 4:27 p.m.

President Young called the Board of Directors meeting to order at 5:01 p.m.

2. ROLL CALL

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

3. PRESENTATION

- 3.A.** Consider adoption of Resolution No. 23-020 honoring Hugo Wildmann on the occasion of his retirement from the AC Transit Retirement Department. [23-227](#)

Presenter:

H. E. Christian Peeples, Director At-Large

Director Peeples presented the resolution and offered comments on Hugo Wildmann's tenure as Retirement System Manager. Jeffrey Lewis, Chair of the Retirement Board, was also in attendance and spoke of the working relationship with Mr. Wildmann over the years as well as Mr. Wildmann's commitment and contributions in serving the Retirement Board, retirees and employees.

There were no public comments offered on the presentation.

MOTION: PEEPLES/SHAW to adopt Resolution No. 23-020 honoring Hugo Wildmann on the occasion of his retirement from the AC Transit Retirement Department. The motion carried by the following vote:

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

4. PUBLIC COMMENT

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

Jane Kramer expressed appreciation to the Board and staff for their presentation and action on Board matters at the previous Board meeting and noted that Board members must be reactive and know their constituent's viewpoints.

Quella Thompson, President, AFSCME Local 3916, expressed appreciation for Hugo Wildmann's career as Retirement System Manager.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to 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 for item 6.F., which was pulled off the Consent Calendar by Director Syed 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 April 12, 2023. [23-101](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the Board of Directors minutes of April 12, 2023. The motion carried by the following vote:

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

- 6.B.** Consider receiving the Monthly Report on Investments for February 2023. [23-248](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

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

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

- 6.C.** Consider adoption of Resolution No. 23-022 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for Fiscal Year (FY) 2023-24 allocations of Transportation Development Act (TDA), State Transit Assistance (STA), Assembly Bill 1107 (AB 1107) and Regional Measure 2 (RM2) bridge toll revenues. [23-234](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/McCALLEY to adopt Resolution No. 23-022 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for Fiscal Year (FY) 2023-24 allocations of Transportation Development Act (TDA), State Transit Assistance (STA),

Assembly Bill 1107 (AB 1107) and Regional Measure 2 (RM2) bridge toll revenues. The motion carried by the following vote:

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

- 6.D.** Consider adoption of Resolution No. 23-014 authorizing the General Manager or his designee to file and execute applications and funding agreements with the California Department of Transportation (Caltrans) for allocations of the FY 2022-23 Low Carbon Transit Operations Program (LCTOP) funds for Tempo operating assistance and the MacDonald Avenue Transit Signal Priority Phase 1 project to provide Certifications and Assurances, and assign the General Manager, or his designee, as the Authorized Agent for the LCTOP. [23-212](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/McCALLEY to adopt Resolution No. 23-014 authorizing the General Manager or his designee to file and execute applications and funding agreements with the California Department of Transportation (Caltrans) for allocations of the FY 2022-23 Low Carbon Transit Operations Program (LCTOP) funds for Tempo operating assistance and the MacDonald Avenue Transit Signal Priority Phase 1 project to provide Certifications and Assurances, and assign the General Manager, or his designee, as the Authorized Agent for the LCTOP. The motion carried by the following vote:

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

- 6.E.** Consider authorizing the General Manager or his designee to file and execute applications and funding agreements with the Department of Homeland Security (DHS) for the Fiscal Year (FY) 2023 Transit Security Grant Program (TSGP) to enhance the security of the District's operating divisions and administrative building by strengthening cyber security. [23-243](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/McCALLEY to authorize the General Manager or his designee to file and execute applications and funding agreements with the Department of Homeland Security (DHS) for the Fiscal Year (FY) 2023 Transit Security Grant Program (TSGP) to enhance the security of the District's operating divisions and administrative building by strengthening cyber security. The motion carried by the following vote:

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

- 6.F.** Consider authorizing the General Manager to execute an amendment to Contract 2022-10480 with Herrig & Vogt, LLP adding \$1,750,000 to the contract and extending the term to December 31, 2024, for legal services related to disputes and issues arising out of the construction [23-256](#)

of the East Bay Bus Rapid Transit (BRT) Project.

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

Item 6.F. was pulled off the Consent Calendar by Director Syed for clarification regarding the legal fees stated in the staff report. There were no public comments offered.

MOTION: PEEPLES/SHAW to authorize the General Manager to execute an amendment to Contract 2022-10480 with Herrig & Vogt, LLP adding \$1,750,000 to the contract and extending the term to December 31, 2024, for legal services related to disputes and issues arising out of the construction of the East Bay Bus Rapid Transit (BRT) Project. The motion carried by the following vote:

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

Nayes: SYED

- 6.G.** Consider authorizing the General Manager to execute two one-year contract options with Messer of North America, LLC; one for hydrogen fuel supply and the other for maintenance services associated with the District-operated hydrogen fuel stations. [20-212a](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: PEEPLES/McCALLEY to authorize the General Manager to execute two one-year contract options with Messer of North America, LLC; one for hydrogen fuel supply and the other for maintenance services associated with the District-operated hydrogen fuel stations. The motion carried by the following vote:

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

- 6.H.** Consider adoption of Resolution No. 23-023 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to fund the purchase of fifty diesel buses. [23-245](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/McCALLEY to adopt Resolution No. 23-023 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to fund the purchase of fifty diesel buses. The motion carried by the following vote:

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

- 6.I.** Consider receiving the Semi-Annual Retirement Board Report. [23-273](#)

Staff Contact:

Damien Charléty, Retirement System Manager

MOTION: PEEPLES/McCALLEY to receive the Semi-Annual Retirement Board Report. The motion carried by the following vote:

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

- 6.J.** Consider the adoption of Resolution 23-024 confirming the approval of an extension of the 2020-2023 Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME), Local 3916 through June 30, 2026. [23-274](#)

MOTION: PEEPLES/McCALLEY to adopt Resolution 23-024 confirming the approval of an extension of the 2020-2023 Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME), Local 3916 through June 30, 2026. 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 and approving legislative positions, if necessary. [23-232](#)

Staff Contact:

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

[A letter from the Chair of the AAC dated February 17, 2023, was presented at the meeting and is incorporated into the file by reference.]

External Affairs Representative Steven Jones presented the Staff Report and requested that the Board approve staff's recommended legislative positions. There were no public comments offered.

MOTION: SYED/YOUNG to receive the Monthly Legislative Report and approve support positions on AB719, AB817, AB819, AB1379, SB434, and ACA1; approve a position to support in concept AB1525; and take a watch position on AB761. The motion carried by the following vote:

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

- 7.B.** Consider the adoption of Resolution No. 23-021 suspending the AC Transit Accessibility Advisory Committee (AAC) and direct the General [23-241](#)

Manager to establish a committee to advise on accessible services matters.

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Board Administrative Officer/District Secretary Linda Nemeroff presented the Staff Report.

PUBLIC COMMENTS:

Melissa Getz, Accessibility Advisory Committee Member, noted reasons to support the resolution.

Warren Cushman commented on the importance of the Accessibility Advisory Committee's work and expressed support of staff's proposal.

MOTION: YOUNG/SHAW to adopt Resolution No. 23-021 suspending the AC Transit Accessibility Advisory Committee (AAC) and direct the General Manager to establish a committee to advise on accessible services matters. The motion carried by the following vote:

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

- 7.C.** Consider receiving a report on customer feedback channels, methodology, and implementation. [Requested by Director Walsh on 11/9/2022] [23-225](#)

Staff Contact:

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

Marketing and Communications Manager Nichelle Laynes presented the Staff Report. There were no public comments were offered.

MOTION: YOUNG/SHAW to receive a report on customer feedback channels, methodology, and implementation. The motion carried by the following vote:

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

Finance and Audit Items - Chair McCalley

- 7.D.** Consider receiving a report on updated operating financial projections. [23-244](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

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

MOTION: PEEPLES/YOUNG to receive a report on updated operating financial

projections. The motion carried by the following vote:

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

- 7.E.** Consider receiving an overview of staff's proposed FY 2023-24 Budget Goals. [Continued from the March 22, 2023 Board of Directors meeting.] [22-588b](#)

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/PEEPLES to receive an overview of staff's proposed FY 2023-24 Budget Goals.

AMENDED MOTION: WALSH/McCALLEY to receive an overview of staff's proposed FY 23-24 Budget Goals and replace "Maintain a positive and active position in the community as an essential services for our most vulnerable riders" with "Maintain a positive and active position in the community as an essential services for all riders and the community". The motion to amend carried by the following vote:

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

MOTION AS AMENDED: YOUNG/PEEPLES to receive an overview of staff's proposed FY 2023-24 Budget Goals and replace "Maintain a positive and active position in the community as an essential services for our most vulnerable riders" with "Maintain a positive and active position in the community as an essential services for all riders and the community". The motion carried by the following vote:

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

Planning Items - Chair Syed

- 7.F.** Consider receiving an update on progress, next steps, and upcoming engagement opportunities associated with Realign - the District's system-wide service planning effort. [23-250](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering
Beverly Greene, Executive Director of External Affairs, Marketing & Communications

Senior Transportation Planner David Berman and Director of Legislative Affairs and Community Relations Claudia Burgos presented the staff report. There were no public comments offered.

MOTION: YOUNG/PEEPLES to receive an update on progress, next steps, and upcoming engagement opportunities associated with Realign - the District's system-wide service planning effort. The motion carried by the following vote:

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

Board Administrative Matters - President Young

- 7.G.** Consider approving amendments to Board Policy 155 - Travel, Meeting and Miscellaneous Expense Reimbursements for Directors and Board Officers.

[23-247](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

[A news article concerning the recent vote by the San Francisco Board of Supervisors lifting their travel ban was presented at the meeting and is incorporated into the file by reference.]

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

MOTION: SHAW/McCALLEY to repeal the District's travel ban and include information from the Human Rights Campaign Municipal Equality Index in future travel authorizations. The motion carried by the following vote:

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

Abstain: PEEPLES

MOTION: PEEPLES/BECKLES to continue the item and direct staff to bring it back at their convenience with suggestions on how to incentivize the use of public transit in the policy. The motion carried by the following vote:

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

8. CLOSED SESSION/REPORT OUT

General Counsel Jill Sprague reported out on the following:

MOTION: PEEPLES/McCALLEY to approve settlement in the amount of \$200,000.00 in the matter of Mills v. AC Transit, WCAB Case No. ADJ10634656. The motion carried by the following vote:

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

Absent: WALSH

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Mills v. AC Transit, WCAB Case No. ADJ10634656, ACCT-026084 and ACCT-024465

8.B. Conference with Legal Counsel – Potential Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (2 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 Manager, General Counsel, District Secretary

9. AGENDA PLANNING

9.A. Review of Agenda Planning Pending List and Agenda Planning Request Forms. [23-028g](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

10. GENERAL MANAGER'S REPORT

10.A. General Manager's Report for April 26, 2023. [23-029g](#)

The General Manager's Report was presented for information only.

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

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

12. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 7:17 p.m. The next meeting of the Board is scheduled for May 10, 2023, at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary

Item

4. PUBLIC COMMENT

Public Comments

- Guest User: The AC Transit Realignment Plan / Survey brought to my attention that AC Transit may be expecting a loss in fare revenue and decline in service "AC Transit continues to endure a historic decline in riders and unprecedented fare losses" which can therefore impact AC Transit Quality of service and it's future. Since there is also a bus driver shortages stated from your survey "how to realign bus lines against a backdrop of bus operator shortages and dwindling funds" we also agree that some bus lines should be cut, realigned, or modified to save costs, but AC Transit might have not considered replacing the fare structure to maintain it's profitability in the long term. Some bus lines that should be removed entirely are those that start and end at a BART Station. The simple fact is BART (Bay Area Rapid Transit) takes you to the destination already. BART however can't always be your last mile solution. Where AC Transit should improve it's bottom line should be focused on increase costs to those that ride the bus, and reduce costs to operate the bus itself. On dense cities, AC Transit should be switching to shuttle service, with buses stationed at BART Stations which can be called with funds on the user's account through a dedicated application to pick up and drop the rider to their destination instead of running buses with next to no ridership. Those without a smartphone can in theory call customer service and provide their payment details and provide the addresses to be picked up and dropped off. Both methods should cost the rider the rates shown below, to improve AC Transit's Bottom line, maintain the bus's condition to have funding to replace critical parts, hire more drivers as needed, fire incompetent drivers, increase or max out the insurance and run the service efficiently. AC Transit should also move out of Union City and let Union City Transit serve Union City. Maybe Exit Alameda to pressure them to pay a yearly subscription to keep AC Transit in their cities. Also maybe remove most of the transbay routes because BART already does the job better. The Current Fare Structure should be replaced with \$1 to get on the bus, then \$0.53 per minute of riding, and \$20 dollar minimum on Transbay Routes. Low Income Plan users can pay for a \$60 6 weeks membership, then \$0.60 to get on any bus, \$0.15 per minute. Clipper Cards should be deprecated in this case and replaced with tap to ride, which holds an authorization amount of \$50 and the unused amount should be refunded upon tapping off the bus or reaching it's last stop. For Cash Users they can go get a credit union account to pay on the proposed fare structure. Although it looks expensive, the Low Income plan does help those needed access to AC Transit when running at our proposed fare structure while still remaining profitable, and maybe cheaper than Rideshare. Also, with this amount of funding from the proposed fare structure if successful, they can save more costs by outfitting WAYMO self driving on the buses that are marked as transbay to reduce risk and human error on bridges and locally. If AC Transit does deviate from the proposed fare structure and retain their current fare structure, they can expect more loss in fare revenue, decline in service, funds to dwindle to the bottom, and possibly insufficient funds to operate. We're NOT muni that is backed by the federal government, we are just a tiny county operated bus system. AC Transit should be doing ANYTHING to get it's way, for it's future. Sources: <https://www.actransit.org/press-release/ac-transit-realign-plan-survey-now-underway>