



## **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, June 14, 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 Board of Directors held a meeting on Wednesday, May 10, 2023, at 5:00 p.m.

The meeting was called to order at 3:15 p.m. for the purpose of Closed Session. All Board members were present except Director Beckles. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Vice President Shaw left the meeting at 4:25 p.m. Closed Session concluded at 4:33 p.m.

President Young called the Board of Directors meeting to order at 5:02 p.m.

**2. ROLL CALL**

Director Beckles arrived at 5:44 p.m.

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

**3. PUBLIC COMMENT**

[Written comment received prior to the meeting incorporated into the file by reference.]

**Jane Kramer** provided critique and criticism on the District's Realign Survey.

**4. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

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

There were no public comments offered on the Consent Calendar.

MOTION: PEEPLES/SYED to receive or approve the items on the Consent Calendar as indicated except for item 5.C which was pulled off the Consent Calendar by director Walsh for further discussion. The motion carried by the following vote:

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

**Absent:** BECKLES

**5.A.** Consider approving the minutes of the March 29, 2023 Board of Directors/Board Officer Retreat.

[23-308](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/SYED to approve the minutes of the March 29, 2023 Board of Directors/Board Officer Retreat. The motion carried by the following vote:

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

**Absent:** BECKLES

- 5.B.** Consider approving Board of Directors minutes of May 24, 2023. [23-104](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/SYED to approve the Board of Directors minutes of May 24, 2023.  
The motion carried by the following vote:

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

**Absent:** BECKLES

- 5.C.** Consider authorizing issuance of an Invitation for Bid (IFB) for construction associated with the Mission Boulevard Transit Signal Priority (TSP) Project. [23-265](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Item 5.C. was pulled off the Consent Calendar by Director Walsh to inquire whether the Transit Signal Priority project could give buses prioritization without degrading the pedestrian experience as they cross the street. Principal Transportation Planner Mika Miyasato explained the difference between the Mission Boulevard project and more extensive Transit Signal Priority projects as well as how staff will align the differences in pedestrian activity with appropriate signal timing, subject to city approval.

MOTION: SHAW/PEEPLES to authorize issuance of an Invitation for Bid (IFB) for construction associated with the Mission Boulevard Transit Signal Priority (TSP) Project.  
The motion carried by the following vote:

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

**Absent:** BECKLES

**Abstained:** WALSH

- 5.D.** Consider review of Board Policy 463 - Transit Asset Management Policy with no recommended amendments. [23-298](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: PEEPLES/SYED to approve review of Board Policy 463 - Transit Asset Management Policy with no recommended amendments. The motion carried by the following vote:

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

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**Absent:** BECKLES

- 5.E.** Consider approving contract assignment from Wendel Rosen LLP to Fennemore Wendel. [22-349d](#)

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

MOTION: PEEPLES/SYED to approve contract assignment from Wendel Rosen LLP to Fennemore Wendel. The motion carried by the following vote:

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

**Absent:** BECKLES

- 5.F.** Consider authorizing the General Manager to enter into an 18-month Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement - July 1, 2023 to December 31, 2024 - in conjunction with the potential 18-month base term for the service contract with MV Transportation to provide Contracted Dumbarton Bridge Express Bus Services. [11-256g](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/SYED to authorize the General Manager to enter into an 18-month Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement - July 1, 2023 to December 31, 2024 - in conjunction with the potential 18-month base term for the service contract with MV Transportation to provide Contracted Dumbarton Bridge Express Bus Services. The motion carried by the following vote:

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

**Absent:** BECKLES

- 5.G.** Consider authorizing the General Manager to accept assignment and assume responsibility for the Agreement (contract) with MV Transportation to Provide Contracted Dumbarton Bridge Express Bus Services from the City of Union City. [11-256r](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/SYED to authorize the General Manager to accept assignment and assume responsibility for the Agreement (contract) with MV Transportation to Provide Contracted Dumbarton Bridge Express Bus Services from the City of Union City. The motion carried by the following vote:

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

**Absent:** BECKLES

## 6. REGULAR CALENDAR

### Finance and Audit Items - Chair McCalley

- 6.A.** Consider adopting the five-year Capital Improvement Plan (CIP) for Fiscal Years (FY) 2023-24 through 2027-28. [23-300](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Capital Planning and Grants Manager Eve Eng presented the staff report. There were no public comments offered.

MOTION: YOUNG/SHAW to adopt the five-year Capital Improvement Plan (CIP) for Fiscal Years (FY) 2023-24 through 2027-28. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.B.** Consider adoption of Resolution 23-027 approving the Recommended FY 2023-24 Operating and Capital Budgets. [22-588e](#)

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 adopt Resolution 23-027 approving the Recommended FY 2023-24 Operating and Capital Budgets. The motion carried by the following vote:

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

**Absent:** BECKLES

### Operations Items - Chair Shaw

Director Beckles arrived during the discussion of Item 6.C.

- 6.C.** Consider authorizing the General Manager to execute a three-year sole source contract with Oakland-based Hayden AI to install Automated Bus Lane and Bus Stop Enforcement Technology on 100 buses. [23-242](#)

Staff Contact:

Ahsan Baig, Chief Information Officer

Salvador Llamas, Chief Operating Officer

Innovation and Technology Manager Michael Carvalho presented the staff report. There were no public comments offered.

MOTION: YOUNG/PEEPLES to authorize the General Manager to execute a three-year sole source contract with Oakland-based Hayden AI to install Automated Bus Lane and Bus Stop Enforcement Technology on 100 buses. The motion carried by the following vote:

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

### **Board Administrative Matters - President Young**

- 6.D.** Announcement of appointment of an AC Transit Representative to serve as a member of the Metropolitan Transportation Commission's Regional Network Management Committee. **23-335**

Presenter:

President Young

President Young announced the appointment of Vice President Shaw to serve as AC Transit's representative on the Metropolitan Transportation Commission's Regional Network Management Committee.

### **7. CLOSED SESSION/REPORT OUT**

General Counsel Jill Sprague reported out the following:

MOTION: PEEPLES/SYED to approve settlement in the amount of \$165,000 in the matter of Rose Young v. AC Transit, WCAB Case Nos. ADJ7376813, ADJ1346501, ADJ3069170, ADJ2132354. The motion carried by the following vote:

Ayes: PEEPLES, SYED, WALSH, McCALLEY, YOUNG

Absent: BECKLES, SHAW

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

(Government Code Section 54956.9 (a))

Rose Young v. AC Transit, WCAB Case No. ADJ 7376813, ADJ1346501, ADJ3069170, ADJ2132354

#### **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. [23-028j](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

There were no new items added to the Agenda Planning.

#### **9. GENERAL MANAGER'S REPORT**

**9.A.** General Manager's Report for June 14, 2023. [23-029j](#)

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. Director Syed and Vice President Shaw commented on District travel to the American Public Transportation Association's Mini Study Mission in Madrid-Valencia-Barcelona and the International Association of Public Transit (UITP) Conference. Additional information will be presented at an upcoming Board meeting.

#### **11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 6:08 p.m. The next meeting of the Board is scheduled for June 28, 2023 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary

**Item**

**3. PUBLIC COMMENT**

**Public Comments**

- Guest User: From: [julieyim@comcast.net](mailto:julieyim@comcast.net) Sent: Saturday, June 10, 2023 11:27 PM To: [apademcaucus@googlegroups.com](mailto:apademcaucus@googlegroups.com); Ces Rosales ; Linda Nemeroff ; MyVoice Cc: Joel Young ; Diane Shaw ; H. E. Christian (Chris) Peeples ; Jean Walsh ; Jovanka Beckles ; Murphy McCalley ; Sarah Syed Subject: [EXTERNAL] Re: In Support of AC Transit switching to 7 Wards to comply with the California Voting Rights Act Cool! On 06/10/2023 10:57 PM PDT Ces Rosales wrote: 11 June 2023 AC Transit Office of the District Secretary 1600 Franklin St. Oakland, CA 94612 Re: In Support of AC Transit switching to 7 Wards to comply with the California Voting Rights Act Dear AC Transit District Board Members, The Asian Pacific American Democratic Caucus of Alameda County (APADC) is the first ever chartered Democratic club focusing on Asian Pacific Americans in Alameda County. APADC supports AC Transit switching to fully districted elections to comply with the California Voting Rights Act (CVRA), and ensure that Asian Americans - who make up more than 1/4 of the AC Transit District - can elect candidates of their choice and receive the bus service the community needs. Under the current system, in both the at-large seats and in the very large wards, AAPI votes are diluted, and the lack of representation is reflected in a lack of bus service. For example, the Pacific East Mall, the largest AAPI shopping center in West Contra Costa County, no longer has local service and is only served by four roundtrips each day. Under the California Voting Rights Act, many cities and special districts in the East Bay, have switched all at-large seats to fully districted seats, including the city of Fremont, the city of Richmond, and the New Haven Unified School District. Most recently, the Castro Valley Unified School District board voted to switch to fully districted elections after receiving a CVRA letter in March 2023, and is currently drawing maps. The CVRA specifically disallows hybrid systems with at-large and district seats. We ask the Board to follow the law and vote to switch to fully districted elections with 7 wards, and look forward to participating in the redistricting process. Sincerely, Ces Rosales President