



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 3:45 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, February 8, 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, February 8, 2023, at 5:00 p.m.

The meeting was called to order at 3:45 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 8A-8D as listed on the agenda. Closed Session concluded at 4:58 p.m.

President Young called the Board of Directors meeting to order at 5:07 p.m.

2. ROLL CALL

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

3. PRESENTATION**3.A.** Update on federal legislative activities.[23-015](#)

Presenter:

Steve Palmer, Van Scoyoc Associates

Steve Palmer of Van Scoyoc Associates presented a report about the 118th Congress' upcoming committee assignments and the Legislative outlook for 2023. There was no public comments offered.

Mr. Palmer addressed questions regarding funding opportunities for S.M.A.R.T. grants, "Safe Streets for All" programs, and earmarks. General Manager Mike Hursh commented that the District is on track for earmarks and R.A.I.S.E. grant applications.

The presentation was presented for information only.

4. PUBLIC COMMENT

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

John Minot, East Bay Transit Riders Union, thanked the Board for starting to look into the restoration of Line 80.

Several public speakers reported that many public transit riders are unaware of transit issues, such as the upcoming AC Transit service redesign. These public speakers expressed concern that AC Transit needs to ensure greater effort is made regarding public outreach to transit riders, bus operators, and transit workers in order to get their feedback on these matters. These speakers were:

- **Dori Goldberg**, People's Transit Alliance
- **Sultana Adams**, D3 Operator
- **Alfred Twu**, People's Transit Alliance

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/SHAW, to receive, approve or adopt the items on the Consent Calendar as indicated with the exception of Items 6.D. and 6.F., which were pulled off the Consent Calendar by Director Walsh for further discussion, and 6.F., which was pulled off the Consent Calendar by Director McCalley 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 January 25, 2023. [23-095](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/SHAW to approve the Board of Directors minutes of January 25, 2023. The motion carried by the following vote:

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

- 6.B.** Consider the adoption of Resolution No. 23-010 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a declared state of emergency, subject to the requirements of the Brown Act, through March 10, 2023 or February 28, 2023 if the state of emergency is not extended. [22-053r](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/SHAW to adopt Resolution No. 23-010 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a declared state of emergency, subject to the requirements of the Brown Act, through March 10, 2023 or February 28, 2023 if the state of emergency is not extended. The motion carried by the following vote:

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

- 6.C.** Consider receiving the Accessibility Advisory Committee minutes of December 13, 2022. [23-128](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/SHAW to receive the Accessibility Advisory Committee minutes of December 13, 2022. The motion carried by the following vote:

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

- 6.D.** Consider receiving a report, which summarizes the new, revised, and abolished classification specifications presented during the calendar year 2022. [23-021](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

Item 6.D. was pulled off the Consent Calendar by Director Walsh to comment on the format of the report and suggested a similar format be used for reports regarding new positions. General Manager Hursh commented on how staff will present reports on staffing in the future. There were no public comments offered.

MOTION: YOUNG/SHAW to receive a report summarizing the new, revised, and abolished classification specifications presented during the calendar year 2022. The motion carried by the following vote:

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

- 6.E.** Considering the adoption of Resolution No. 23-009 approving the new classification of Director of Safety, Security and Training. [23-131](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: PEEPLES/SHAW to Adopt Resolution No. 23-009 approving the new classification of Director of Safety, Security and Training. The motion carried by the following vote:

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

- 6.F.** Consider receiving a report on the State of the District's Bus Fleet for AC Transit Fixed Route Services. [23-090](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

Item 6.F. was pulled off the Consent Calendar by Director McCalley to comment on delivery delays for new buses and asked staff to explain. Cecil Blandon, Director of Maintenance, explained that production delays were a result of the pandemic. There were no public comments offered.

MOTION: YOUNG/SHAW to receive a report on the State of the District's Bus Fleet for AC Transit Fixed Route Services. The motion carried by the following vote:

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

- 6.G.** Consider approving minor amendments to Board Policy 424 - [23-133](#)

Non-Discrimination on the Basis of Disability.

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Item 6.G. was pulled off the Consent Calendar by Director Walsh to recommend that the policy be revised to include the riders/public to be added to the list of affected persons. President Young and staff suggested that this agenda item be continued to a future meeting so staff can review Director Walsh's recommendation and submit an updated report if appropriate. There was no public comment offered.

MOTION: YOUNG/WALSH to continue Board Policy 424 - Non-Discrimination on the Basis of Disability in order for staff to consider additional amendments. The motion carried by the following vote:

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

7. REGULAR CALENDAR

Finance and Audit Items - Chair McCalley

Director of Management and Budget Richard Oslund presented the staff report.

- 7.A.** Consider receiving the Quarterly budget update for the period of July 2022 through end of December 2022 of FY 2022-23. [23-069](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Director of Budget and Management Richard Oslund presented the staff report. There were no public comment offered.

MOTION: YOUNG/PEEPLES to receive the Quarterly budget update for the period of July 2022 through end of December 2022 of FY 2022-23. The motion carried by the following vote:

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

Planning Items - Chair Syed

- 7.B.** Consider receiving a report on the District's planned service changes associated with the March 2023 Sign-up. [23-092](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Transit Schedules Manager Ajay Martin presented the staff report. There was no public comment offered.

MOTION: YOUNG/PEEPLS to receive a report on the District's planned service changes associated with the March 2023 Sign-up. The motion carried by the following vote:

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

8. CLOSED SESSION/REPORT OUT

There was nothing to report out of closed session.

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Semi-Annual Litigation Report:

- Hartway v. AC Transit, et al., ACSC No. 22CV011482;
- Burks v. AC Transit, et al., ACSC No. 22CV020493;
- Galpern v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-02572-TSH;
- White v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-03804-TSH;
- Dollene Jones v. AC Transit Retirement Board, et al., ACSC No. RG20-050706;
- Tanouye v. Walker, et al., ACSC No. RG21-113835; and
- Claim of Quesquen (21-AL00187).

8.B. Conference with Legal Counsel – Potential Litigation (Two Cases)

(Government Code Section 54956.9(b))

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.

[23-028b](#)

- Agenda Planning Request - Vice President Shaw

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

The Agenda Planning request from Director Shaw was accepted.

10. GENERAL MANAGER'S REPORT

10.A. General Manager's Report for February 8, 2023.[23-029b](#)

General Manger Michael Hursh stated no additional information to report.

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

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

Board Members and Staff commented on meetings, conferences, and events they attended since the last Board meeting. President Young reported on his attendance at the UITP 2022 Singapore International Transport Congress and Exhibition in Singapore.

12. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 6:07 p.m. The next meeting of the Board is scheduled for February 22, 2023 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff
District Secretary

Item

4. PUBLIC COMMENT

Public Comments

- Guest User: I ride the bus and bus reliability has been a big problem for the last couple years, with lots of cancelled trips and late trips. I saw on <https://kpi.actransit.org/> that 4-5% of all trips are cancelled entirely. I have heard that this is due to the lack of bus operators, as well as scheduling that does not leave enough time for breaks or causes subsequent trips to be late if the first one ends late. To improve reliability and make the job more appealing, AC Transit needs to work with workers to adjust the schedules so they are more realistic and reliable. It is OK if you schedule less service if it means that you are able to actually run that service, I'd rather have less frequent service that is more reliable. In contrast, VTA only cancels 2-3% of trips - see page 126 of <https://santaclaravta.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=3648&Inline=True> and is aiming for a 0.5% cancellation rate. AC Transit can do better. Thank you.