



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

### **MINUTES**

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

5:00 PM Regular Meeting

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, November 13, 2024 at 5:00 PM**

#### **MEMBERS OF THE BOARD OF DIRECTORS**

**DIANE SHAW, PRESIDENT (WARD 5)**

**MURPHY MCCALLEY, VICE PRESIDENT (WARD 4)**

**H. E. CHRISTIAN PEEPLES (WARD 1)**

**JEAN WALSH (WARD 2)**

**SARAH SYED (WARD 3)**

**ANTHONY C. SILVA (WARD 6)**

**JOEL YOUNG (AT-LARGE)**

#### **BOARD OFFICERS**

**KATHLEEN KELLY, INTERIM GENERAL MANAGER/CHIEF EXECUTIVE OFFICER**

**AIMEE L. STEELE, GENERAL COUNSEL/CHIEF LEGAL OFFICER**

**LINDA A. NEMEROFF, BOARD ADMINISTRATIVE OFFICER/DISTRICT SECRETARY**

**TELECONFERENCE:**

Director H. E. Christian Peeples, 13328 San Pablo Avenue, Room 38C, San Pablo, California 94806

**1. CALL TO ORDER**

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, November 13, 2024, at 5:00 p.m.

Prior to the start of the meeting, General Counsel Aimee Steele 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 2:30 p.m. for the purpose of Closed Session. All Boardmembers were present. The Board convened in Closed Session to discuss Items 8A - 8D as listed on the agenda. Closed Session concluded at 4:55 p.m.

President Young called the Board of Directors meeting to order at 5:04 p.m.

**2. ROLL CALL**

Director Peeples arrived to the open session portion of the meeting at 5:09 p.m.

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

**3. PRESENTATION**

- 3.A.** Consider the adoption of Resolution 24-039 honoring Director Jovanka Beckles for dedicated service as a member of the AC Transit Board of Directors and representative of Ward 1. [24-568](#)

Presenter:  
President Joel Young

President Young read Resolution 24-039 honoring Director Jovanka Beckles for dedicated service as a member of the AC Transit Board of Directors. Board members joined President Young in sharing their heart-felt appreciation of Director Beckles's service on the Board. There were no public comments offered.

MOTION: WALSH/PEEPLES to adopt Resolution 24-039 honoring Director Jovanka Beckles for dedicated service as a member of the AC Transit Board of Directors and representative of Ward 1. The motion carried by the following vote:

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

**4. PUBLIC COMMENT**

**Jane Kramer** spoke on scarcity of federal/state funding and the belief that policies are a matter of local and regional concern. Jane stated that the Board should work out its internal differences so it can gain community support to make changes to local transit.

**Director Beckles left the meeting at 5:19 p.m.**

**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 on the Consent Calendar.

MOTION: SHAW/WALSH to receive, approve or adopt items on the Consent Calendar, as indicated. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.A.** Consider approving Board of Directors meeting minutes of October 9, 2024. [24-045](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

The District Secretary noted that the minutes would be edited administratively to correct minor typographical errors.

MOTION: SHAW/WALSH to approve Board of Directors meeting minutes of October 9, 2024. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.B.** Consider approving Board of Directors meeting minutes of October 23, 2024. [24-046](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: SHAW/WALSH to approve Board of Directors meeting minutes of October 23, 2024. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.C.** Consider approving Board of Directors/Board Officer Retreat Minutes [24-582](#)

of October 30, 2024.

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: SHAW/WALSH to approve Board of Directors/Board Officer Retreat Minutes of October 30, 2024. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.D.** Consider authorizing lodging expenses for members of the Board of Directors attending the California Transit Association (CTA) 59th Fall Conference and Expo on November 20-22, 2024, in San Jose, California.

[24-559](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: SHAW/WALSH to authorize lodging expenses for members of the Board of Directors attending the California Transit Association (CTA) 59th Fall Conference and Expo on November 20-22, 2024, in San Jose, California. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.E.** Consider receiving the FY 2024-25 first Quarter Travel and Meeting Expense Report for the Board of Directors.

[24-532](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: SHAW/WALSH to receive the FY 2024-25 first Quarter Travel and Meeting Expense Report for the Board of Directors. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.F.** Consider approving the transfer of Director Beckles remaining Ward 1 travel allotment to the new Ward 6 Director, effective December 6, 2024.

[24-546](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: SHAW/WALSH to approve the transfer of Director Beckles remaining Ward 1 travel allotment to the new Ward 6 Director, effective December 6, 2024. The motion

carried by the following vote:

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

**Absent:** BECKLES

- 6.G.** Consider authorizing General Counsel to attend The Transportation Research Board (TRB) Annual Meeting on January 5-9, 2025 in Washington D.C. [24-557](#)

Staff Contact:

Aimee L. Steele, General Counsel/Chief Legal Officer

MOTION: SHAW/WALSH to authorize the General Counsel to attend The Transportation Research Board (TRB) Annual Meeting on January 5-9, 2025 in Washington D.C. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.H.** Consider receiving the General Manager's Access Committee minutes of September 10, 2024. [24-552](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: SHAW/WALSH to receive the General Manager's Access Committee minutes of September 10, 2024. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.I.** Consider receiving the report on the District's involvement in external planning processes. [24-553](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: SHAW/WALSH to receive the report on the District's involvement in external planning processes. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.J.** Consider authorizing the General Manager to enter into a 12-month extension of the Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement from January 1, 2025, to December 31, 2025, concurrent with the previously-approved 12-month extension of the service contract with MV Transportation to provide [11-256s](#)

contracted Dumbarton Bridge Express Bus Services.

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: SHAW/WALSH to authorize the General Manager to enter into a 12-month extension of the Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement from January 1, 2025, to December 31, 2025, concurrent with the previously-approved 12-month extension of 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

- 6.K.** Consider receiving an update on FY 2024-25 First Quarter Customer Service Metrics.

[24-441](#)

Staff Contact:

Nichele Laynes, Director of Marketing, Communications & Customer Services

MOTION: SHAW/WALSH to receive an update on FY 2024-25 First Quarter Customer Service Metrics. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.L.** Consider approving the proposed FY 2025-26 Annual Budget Development Process Calendar.

[24-480](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: SHAW/WALSH to approve the proposed FY 2025-26 Annual Budget Development Process Calendar. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.M.** Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the period of April 1, 2024, through September 30, 2024.

[24-525](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

MOTION: SHAW/WALSH to receive the Disadvantaged Business Enterprise (DBE)

Semi-Annual Payment Report for the period of April 1, 2024, through September 30, 2024. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.N.** Consider the adoption of Resolution No. 24-037 approving the revision of the classification of Director of Safety, Security, and Training, which includes a retitling to Chief Safety and Security Officer. [24-554](#)

Staff Contact:

Michael A. Hursh, General Manager/Chief Executive Officer

MOTION: SHAW/WALSH to adopt Resolution No. 24-037 approving the revision of the classification of Director of Safety, Security, and Training, which includes a retitling to Chief Safety and Security Officer. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.O.** Consider authorizing the General Manager to enter into a contract extension with Brink's for up to an additional six months for cash revenue collection services from January 1, 2025, through June 30, 2025. [18-253c](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: SHAW/WALSH to authorize the General Manager to enter into a contract extension with Brink's for up to an additional six months for cash revenue collection services from January 1, 2025, through June 30, 2025. The motion carried by the following vote:

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

**Absent:** BECKLES

- 6.P.** Consider adoption of revised Resolution No. 24-003 supporting the Seamless Transit Principles. [Previously considered by the Board of Directors on June 26, 2024. Requested by Director Beckles - 9/13/23] [24-060b](#)

Staff Contact:

Claudia Burgos, Director of Legislative Affairs and Community Relations

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

The District Secretary noted for the record that the word "amount" was missing from

the second whereas clause on page 2 of the resolution and requested that the Board adopt the resolution incorporating the minor edit.

MOTION: SHAW/WALSH to adopt revised Resolution No. 24-003 supporting the Seamless Transit Principles. The motion carried by the following vote:

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

**Absent:** BECKLES

## 7. REGULAR CALENDAR

### External Affairs Items - Chair Peeples

- 7.A.** Consider receiving the Monthly Legislative Report and approving legislative positions, if necessary. [24-564](#)

Staff Contact:

Claudia Burgos, Director of Legislative Affairs & Community Relations

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

*[A document outlining a proposed motion regarding the Regional Transportation Measure offered by Director Syed was distributed to the Board 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:**

**Anthony** commented on the upcoming Metropolitan Transportation Commission meeting scheduled for December 9th regarding the regional transportation measure, stating that a deal needed to be reached before sending it to State legislative delegation. According to Anthony, Santa Clara County is the richest county in the Bay Area but does not want to share control of the money raised in that county. Anthony stated that it would be in AC Transit's best interest to pass a regional measure.

Director Syed's proposed motion was discussed, but was not acted on.

MOTION: SHAW/YOUNG to receive the Monthly Legislative Report and approve legislative positions. The motion carried by the following vote:

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

**Absent:** BECKLES

- 7.B.** Consider the adoption of AC Transit's 2025 Federal and State Advocacy Programs. [24-534a](#)



Staff Contact:

Claudia Burgos, Director of Legislative Affairs & Community Relations

External Affairs Representative Maria Henderson presented the staff report. There were no public comments offered.

MOTION: WALSH/SYED to adopt AC Transit's 2025 Federal and State Advocacy Programs as amended to include the addition of the bulleted items outlined in Staff Report 24-524a. The motion carried by the following vote:

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

**Absent:** BECKLES

- 7.C.** Consider receiving an update on AC Transit's partnership with the Oakland Ballers. [Requested by Director Walsh - 6/12/2024] [24-440](#)

Staff Contact:

Nichele Laynes, Director of Marketing, Communications & Customer Services

Marketing and Communications Manager Andrew Nern presented the staff report. There were no public comments offered.

MOTION: SHAW/WALSH to receive an update on AC Transit's partnership with the Oakland Ballers. The motion carried by the following vote:

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

**Absent:** BECKLES

#### Operations Items - Chair Shaw

- 7.D.** Consider authorizing the General Manager, acting jointly with the Bay Area Rapid Transit District (BART), to negotiate and enter into a 4.5 year agreement, with one five-year option period, with Transdev Services, Inc. ("Transdev") to serve as the Broker for the East Bay Paratransit Consortium (EBPC), providing Paratransit Services for AC Transit and BART as mandated by the Americans with Disabilities Act (ADA) in an amount not to exceed \$387,810,000. [21-471a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Accessible Services Manager Mallory Brush presented the staff report. There were no public comments offered.

MOTION: PEEPLES/YOUNG to authorize the General Manager, acting jointly with the

Bay Area Rapid Transit District (BART), to negotiate and enter into a 4.5 year agreement, with one five-year option period, with Transdev Services, Inc. ("Transdev") to serve as the Broker for the East Bay Paratransit Consortium (EBPC), providing Paratransit Services for AC Transit and BART as mandated by the Americans with Disabilities Act (ADA) in an amount not to exceed \$387,810,000. The motion carried by the following vote:

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

**Absent:** BECKLES

- 7.E.** Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the first quarter of Fiscal Year 2024-25.

[24-541](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

Director of Maintenance Cecil Blandon presented the staff report.

**Public Comment**

**Brian Culbertson** expressed disappointment about the Tempo Line having the most non-operational trips of any line. Culbertson requested an inquiry into the reason for all the missed trips as well as an explanation for operators having 20% unscheduled availability. Culbertson questioned if 20% is on par with other transit agencies.

MOTION: YOUNG/WALSH to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the first quarter of Fiscal Year 2024-25. The motion carried by the following vote:

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

**Absent:** BECKLES

- 7.F.** Consider receiving the FY 2024-25 First Quarter Protective Services Report.

[24-569](#)

Staff Contact:

Marla Blagg, Director of Safety, Security & Training

Manager of Public Safety and Security Ronald Erb presented the staff report. There were no public comments offered.

MOTION: SHAW/WALSH to receive the FY 2024-25 First Quarter Protective Services Report. The motion carried by the following vote:

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

**Absent:** BECKLES

- 7.G.** Consider authorizing the General Manager to enter into a contract with the Contra Costa County Sheriff's Office for transit police services, with a base period from January 1, 2025, through December 31, 2027, with two (2) one-year options to extend upon mutual decision. [24-561](#)

Staff Contact:

Michael A. Hursh, General Manager/Chief Executive Officer

Chief Safety and Security Officer Marla Blagg presented the staff report. There were no public comments offered.

MOTION: YOUNG/SYED to authorize the General Manager to enter into a contract with the Contra Costa County Sheriff's Office for transit police services, with a base period from January 1, 2025, through December 31, 2027, with two (2) one-year options to extend upon mutual decision. The motion carried by the following vote:

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

**Absent:** BECKLES

- 7.H.** Consider the adoption of Resolution 24-038 approving a revised Board Policy 465 - Procurement Policy ("Policy"). [Passage of the Resolution by a four-fifths vote (six affirmative votes) is required pursuant to section 22050 of the California Public Contract Code.] [24-516](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

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

MOTION: McCALLEY/SYED to continue Resolution 24-038 approving a revised Board Policy 465 - Procurement Policy ("Policy") to a future meeting in order for staff to review additional amendments offered to staff by Director McCalley prior to the meeting. The motion carried by the following vote:

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

**Absent:** BECKLES

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

- 7.I.** Consider adopting the 2025 regular Board meeting schedule taking into consideration the District's holiday schedule and any days requested by Directors to be included in the holiday schedule; and reschedule regular meetings if necessary. [24-509](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Staff received feedback on the proposed meeting schedule and will bring the updated schedule for the Board's approval in December. There were no public comments offered.

MOTION: YOUNG/SHAW to continue the 2025 regular Board meeting schedule to the December 11, 2024 Board meeting for further consideration. The motion carried by the following vote:

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

**Absent:** BECKLES

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

General Counsel Aimee Steele reported out on the following actions taken at the October 30, 2024, Board of Directors meeting:

MOTION: BECKLES/McCALLEY to authorize settlement in the amount of \$250,000 in the matter of Pamela Edwards v. AC Transit, ACSC Case No. 23CV028305. The motion carried by the following vote:

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

**Absent:** SYED

MOTION: PEEPLES/McCALLEY to authorize settlement in the amount of \$135,000 in the matter of Poonam Kukreja v. AC Transit, ACSC Case No. 23CV050454. The motion carried by the following vote:

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

**Absent:** SYED

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

(Government Code Section 54956.9 (a))

- Graciela Pena-Garcia v. AC Transit, Alameda County Superior Court Case No. 23CV032825
- Cooks v. AC Transit, WCAB Case Nos. ADJ006670, ADJ8285977, and ADJ9169216
- Poonam Kukreja v. AC Transit, Alameda County Superior Court Case No. 23CV050454 (Report Out)
- Pamela Edwards v. AC Transit, Alameda County Superior Court Case No. 23CV028305 (Report Out)

### **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 Counsel, District Secretary

**9. AGENDA PLANNING**

- 9.A.** Review of Agenda Planning Pending List and Agenda Planning Request Forms submitted by Directors Walsh. [24-061r](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

The Agenda Planning requests from Director Walsh were accepted.

**10. GENERAL MANAGER'S REPORT**

- 10.A.** General Manager's Report for November 13, 2024. [24-016r](#)

The report was presented for information only.

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

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

- 11.A.** Written reports from Board members on travel to District-related conferences occurring in the last 30 days. [24-316](#)

There were no travel reports entered into the record.

**12. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 8:27 p.m. The next regular meeting of the Board of Directors is scheduled for December 11, 2024.

Respectfully submitted,

/s/ Linda Nemeroff

Board Administrative Officer/District Secretary