



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

### **MINUTES**

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

5:00 PM Regular Meeting

6:00 PM Listening Session - GM/CEO Recruitment

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 26, 2025 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**

**1. CALL TO ORDER**

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, February 26, 2025, at 5:00 p.m.

The meeting was called to order at 3:45 p.m. for the purpose of Closed Session. All Boardmembers were present. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:46 p.m.

President Shaw called the Board of Directors meeting to order at 5:03 p.m.

**2. ROLL CALL**

Director Peeples was noticed to attend the meeting by teleconference, but attended in person.

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

**3. PUBLIC COMMENT**

There was no public comment offered.

**4. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

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

There was no public comment on the Consent Calendar.

MOTION: YOUNG/McCALLEY to receive or approve items on the Consent Calendar except item 5.F. which was pulled off the Consent Calendar for clarification. The motion carried by the following vote:

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

- 5.A.** Consider approving Board of Directors meeting minutes of February 12, 2025.

[25-042](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: YOUNG/McCALLEY to approve Board of Directors meeting minutes of February 12, 2025. The motion carried by the following vote:

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

- 5.B.** Consider receiving the FY 2024-25 Second Quarter Travel and Meeting Expense Report for the Board of Directors.

[25-132](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

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

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

- 5.C.** Consider authorizing members of the Board of Directors and the General Manager to attend various out-of-state conferences, meetings, and seminars held by the Conference of Minority Transportation Officials (COMTO), the Center for Transportation and the Environment (CTE), the American Public Transportation Association (APTA), the Transportation Research Board (TRB), and the National Association of City Transportation Officials (NACTO) as outlined in the staff report. [25-147](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: YOUNG/McCALLEY to authorize members of the Board of Directors and the General Manager to attend various out-of-state conferences, meetings, and seminars held by the Conference of Minority Transportation Officials (COMTO), the Center for Transportation and the Environment (CTE), the American Public Transportation Association (APTA), the Transportation Research Board (TRB), and the National Association of City Transportation Officials (NACTO) as outlined in the staff report. The motion carried by the following vote:

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

- 5.D.** Consider approving amendments to the District's Disadvantaged Business Enterprise (DBE) Program and authorize the General Manager to submit routine administrative DBE Program updates to the Federal Transit Administration (FTA) without prior Board approval. [25-130](#)

Staff Contact:

Phillip J. L. Halley, Interim Director of Civil Rights & Compliance

MOTION: YOUNG/McCALLEY to approve amendments to the District's Disadvantaged Business Enterprise (DBE) Program and authorize the General Manager to submit routine administrative DBE Program updates to the Federal Transit Administration (FTA) without prior Board approval. The motion carried by the following vote:

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

- 5.E.** Consider authorizing the Interim General Manager to execute a contract with Carahsoft Technology Corporation (Carahsoft) through the National Association of State Procurement Officials (NASPO) cooperative contract for the purchase of Swiftly software support for a term of three years in the amount of \$1,348,648.14. [25-009](#)

Staff Contact:

Ahsan Baig, Chief Information Officer

MOTION: YOUNG/McCALLEY to authorize the Interim General Manager to execute a contract with Carahsoft Technology Corporation (Carahsoft) through the National Association of State Procurement Officials (NASPO) cooperative contract for the purchase of Swiftly software support for a term of three years in the amount of \$1,348,648.14. The motion carried by the following vote:

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

- 5.F.** Consider receiving the annual report on the state of the District's Fleet.

[25-151](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

The agenda item was pulled off the Consent Calendar by Director Walsh for clarification. Staff addressed questions.

MOTION: PEEPLES/YOUNG to receive the annual report on the state of the District's Fleet. The motion carried by the following vote:

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

- 5.G.** Consider receiving the Semi-Annual Report on the Status of Active Contracts and Spending Amounts over \$250,000 for the first half of Fiscal Year 2024-25.

[25-135](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: YOUNG/McCALLEY to receive the Semi-Annual Report on the Status of Active Contracts and Spending Amounts over \$250,000 for the first half of Fiscal Year 2024-25. The motion carried by the following vote:

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

- 5.H.** Consider receiving an update on FY 2024-2025 Second Quarter Customer Services Metrics.

[25-146](#)

Staff Contact:

Claudia Burgos, Interim Executive Director of External Affairs,  
Marketing & Communications

MOTION: YOUNG/McCALLEY to receive an update on FY 2024-2025 Second Quarter Customer Services Metrics. The motion carried by the following vote:

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

**6. REGULAR CALENDAR****External Affairs Items - Chair Peeples**

- 6.A.** Consider receiving the Monthly Legislative Report and approve legislative positions, if necessary. [25-156](#)

Staff Contact:

Claudia Burgos, Interim Executive Director of External Affairs,  
Marketing & Communications

Interim Executive Director of External Affairs, Marketing & Communications Claudia Burgos presented the staff report.

**Public Comment:**

**Warren Cushman**, Community Resources for Independent Living, commented on the public's demand for leadership from the AC Transit Board of Directors, emphasizing the importance of a regional approach with BART and MUNI. Cushman argued that AC Transit should work together with other transit agencies to support the Transit Transformation Action Plan.

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

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

**Finance and Audit Items - Chair McCalley**

- 6.B.** Consider receiving an overview of staff's proposed FY 2025-26 Budget Guidelines and updated financial projection. [24-480a](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

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

MOTION: SHAW/PEEPLES to receive an overview of staff's proposed FY 2025-26 Budget Guidelines and updated financial projection. The motion carried by the following vote:

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

**Planning Items - Chair Young**

- 6.C.** Consider approving amendments to Board Policy No. 501 - Bus Stop Guidelines for Placement, Relocation, and Removal. [24-380a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Assistant Transportation Planner Samah Itani presented the staff report.

**Public Comment:**

**Carter Lavin**, East Bay Transit Riders Union and the Transbay Coalition, encouraged advocacy for the legalization of community-driven bus stop benches in East Bay cities. Lavin recommended the Board modify the policy to mention its support for this action and encouraged the Board to authorize cities and community groups who meet the necessary guidelines to build bus stop benches to be granted the flexibility to do so.

**Warren Cushman**, Community Resources for Independent Living, noted the importance of the ILCs in bus shelter development, highlighting the need for specific considerations based on city flexibility and budget deficits. Cushman emphasized the need for more frequent bus shelters for people with disabilities and seniors, especially during rainy or hot weather, while indicating that reducing bus stops is not the preferred choice for these groups.

MOTION: SHAW/PEEPLS to approve amendments to Board Policy No. 501 - Bus Stop Guidelines for Placement, Relocation, and Removal. The motion carried by the following vote:

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

**Operations Items - Chair Walsh**

- 6.D.** Consider receiving a report regarding District efforts to increase service reliability through improvements in field conditions (i.e. layovers, reliefs, and restrooms). [25-181](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering  
Salvador Llamas, Chief Operating Officer

Service Planning Manager Michael Eshleman presented the staff report.

**Public Comment:**

**Anthony** asked why El Cerrito del Norte BART station has Porta Pottys for bus operators rented just outside the BART station rather than having an interior, permanent restroom.

MOTION: YOUNG/PEEPLS to receive a report regarding District efforts to increase service reliability through improvements in field conditions (i.e. layovers, reliefs, and restrooms). The motion carried by the following vote:

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

- 6.E.** Consider receiving a report on operator restroom access and progress with restroom projects. [Requested by Director Walsh - 1/8/25] [25-152](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

Director of Transportation Dwain Crawley presented the staff report.

**Public Comment:**

**Anthony** requested clarity on whether the reported restrooms utilized non-potable water and how many are going to be stationed at BART stations. Anthony noted that Board-level involvement should be considered if BART does not work with AC Transit on this project.

MOTION: SHAW/PEEPLS to receive a report on operator restroom access and progress with restroom projects. The motion carried by the following vote:

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

- 6.F.** Consider receiving the FY 2024-25 Second Quarter Protective Services Report. [25-187](#)

Staff Contact:

Marla Blagg, Chief Safety & Security Officer

Manager of Public Safety and Security Ron Erb presented the staff report.

**Public Comment:**

**Warren Cushman**, Community Resources for Independent Living, expressed gratitude for the task force helping AC Transit with law enforcement matters. He highlighted concerns about skepticism and suspicion towards law enforcement in some communities, especially among people with disabilities, including those with mental health challenges. Cushman emphasized the need for law enforcement to collaborate with clinicians and mental health professionals to improve de-escalation training.

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

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

**Board Administrative Matters - President Shaw**

- 6.G.** Receive an update on the recruitment of a public member representative on the Retirement Board and schedule a special Board meeting on March 12, 2025, to interview the applicants. [24-462a](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

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

MOTION: McCALLEY/PEEPLES to receive an update on the recruitment of a public

member representative on the Retirement Board and schedule a special Board meeting on March 12, 2025 at 2 p.m., to interview the applicants. The motion carried by the following vote:

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

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

General Counsel Aimee Steele reported out on the following:

MOTION: PEEPLES/McCALLEY to authorize settlement via compromise and release in the matter of Osborne v. AC Transit, WCAB Case Nos. ADJ11419865 and ADJ10559189; ADR No. AC-ADR-000604 in the amount of \$100,000.00 minus permanent disability advances made in the amount of \$8,119.99 plus a supplemental job replacement voucher. The motion carried by the following vote:

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

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

(Government Code Section 54956.9 (a))

- Osborne v. AC Transit, WCAB Case Nos. ADJ11419865 and ADJ10559189; ADR No. AC-ADR-000604

### **7.B. Conference with Legal Counsel – Potential Litigation**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Potential litigation regarding alleged Brown Act Violation

### **7.C. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representative:

- Interim General Manager Katheleen Kelly

- 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: Interim General Manager

## **8. AGENDA PLANNING**

**8.A.** Review of Agenda Planning Pending List and Agenda Planning Request Forms.

[25-015c](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

No new items were added to the Agenda Planning Pending List. Board Administrative



Officer/District Secretary Linda Nemeroff received Director Walsh's concurrence to remove an Agenda Planning Request for a resolution in support of bus stop seating at bus stops as the topic was addressed in Staff Report 24-380a and will continue to be discussed in Interagency Liaison Committee meetings with cities.

**9. GENERAL MANAGER'S REPORT**

**9.A.** General Manager's Report for February 26, 2025. [25-014b](#)

Interim General Manager Kathleen Kelly responded to questions regarding data presented in the operator hiring chart. IGM Kelly also reported on the success of the AC Transit's Roadeo event.

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**10.A.** Written reports from Board members on travel to District-related conferences occurring in the last 30 days. [25-038c](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

There were no travel reports entered into the record.

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 6:56 p.m. The next meeting of the Board is scheduled for March 12, 2025 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary