



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

### **MINUTES**

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

CLOSED SESSION 4:00 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, May 10, 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 4:01 p.m. for the purpose of Closed Session. All Board members were present. Director Beckles arrived at 4:03 p.m. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:43 p.m.

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

**2. ROLL CALL**

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

**3. PUBLIC COMMENT**

[Written comment received prior to the meeting is incorporated into the minutes as Exhibit A.]

**Clarence Fischer** suggested that AC Transit's headways on major bus lines and feeder service mirror BART's 20-minute headways, so that patrons that transfer between both systems have an even transfer time.

**Owen Diaz** requested that certain AC Transit Supervisors be investigated for alleged improprieties.

**Ernest** requested that busses that run in the evening on Line 81 turn down the air conditioning unit.

**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: PEEPLES/MCCALLEY to receive or approve the items on the Consent Calendar as indicated except for item 5.I., which was pulled off the Consent Calendar by Director Shaw for further discussion. The motion carried by the following vote:

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

**5.A.** Consider approving Board of Directors minutes of April 26, 2023.

**23-102**

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/MCCALLEY to approve the Board of Directors minutes of April 26, 2023. The motion carried by the following vote:

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

**5.B.** Consider authorizing members of the Board of Directors and General Manager to attend various out-of-state conferences, study missions, meetings and seminars held by the American Public Transportation Association, Transportation Research Board and National Association of City Transportation Officials during FY 2023-24 as outlined in the Staff Report.

[23-240](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to authorize members of the Board of Directors and General Manager to attend various out-of-state conferences, study missions, meetings and seminars held by the American Public Transportation Association, Transportation Research Board and National Association of City Transportation Officials during FY 2023-24 as outlined in the Staff Report. The motion carried by the following vote:

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

**5.C.** Consider receiving the Quarterly budget update for the period of July 2022 through the end of March 2023 of FY 2022-23.

[23-022](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/McCALLEY to receive the Quarterly budget update for the period of July 2022 through the end of March 2023 of FY 2022-23. The motion carried by the following vote:

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

**5.D.** Consider authorizing the General Manager to enter into a one (1) year contract extension with Paratransit, Inc. for consultant coordination services for the East Bay Paratransit Consortium (EBPC).

[23-237](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to authorize the General Manager to enter into a one (1) year contract extension with Paratransit, Inc. for consultant coordination services for the East Bay Paratransit Consortium (EBPC). The motion carried by the following vote:

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

**5.E.** Consider authorizing the General Manager to enter into a one-year contract extension with Transdev for the East Bay Paratransit Consortium (EBPC) Broker/Service Provider services.

[23-238](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to authorize the General Manager to enter into a one-year contract extension with Transdev for the East Bay Paratransit Consortium (EBPC) Broker/Service Provider services. The motion carried by the following vote:

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

**5.F.** Consider authorizing the General Manager to exercise Option 2 (Year 4) to extend the District's Contract Nos. 2021-1514 (A-X), Outside Legal Services, with various law firms for the period beginning October 1, 2023 through September 30, 2024. [20-349c](#)

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

MOTION: PEEPLES/McCALLEY to authorize the General Manager to exercise Option 2 (Year 4) to extend the District's Contract Nos. 2021-1514 (A-X), Outside Legal Services, with various law firms for the period beginning October 1, 2023 through September 30, 2024. The motion carried by the following vote:

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

**5.G.** Consider approving the award of a fixed price construction contract to Electronic Innovations, Inc. of Richmond, California in the amount of \$1,102,147.29 for the installation of the Security Systems Upgrade at the Hayward (D6) Division. [18-214b](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to approve the award of a fixed price construction contract to Electronic Innovations, Inc. of Richmond, California in the amount of \$1,102,147.29 for the installation of the Security Systems Upgrade at the Hayward (D6) Division. The motion carried by the following vote:

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

**5.H.** Consider review of Board Policy 470 - BART Emergency Bus Service Policy with no recommended amendments. [23-253](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: PEEPLES/McCALLEY to approve the review of Board Policy 470 - BART Emergency Bus Service Policy with no recommended amendments. The motion carried by the following vote:

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

**5.I.** Consider receiving an update on the Next Generation Clipper (C2) [23-221](#)

Program implementation.

Staff Contact:

Ahsan Baig, Chief Information Officer

Item 5.I. was pulled from off the Consent Calendar by Vice President Shaw for clarification regarding the Clever Devices system and the readiness of Clipper readers for rear door access on buses.

MOTION: SHAW/PEEPLES to receive an update on the Next Generation Clipper (C2) Program implementation. The motion carried by the following vote:

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

## 6. REGULAR CALENDAR

### Finance and Audit Items - Chair McCalley

**6.A.** Consider receiving a report on the Draft FY 2023-24 Operating and Capital Budgets, including an overview of the major assumptions and drivers to the operating revenues and operating expenses.

[22-588c](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Chief Financial Officer Chris Andrichak presented the staff report. There was no public comment offered.

MOTION: YOUNG/SHAW to receive a report on the Draft FY 2023-24 Operating and Capital Budgets, including an overview of the major assumptions and drivers to the operating revenues and operating expenses. The motion carried by the following vote:

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

### Planning Items - Chair Syed

**6.B.** Consider receiving an introductory report on the status of the Transit Supportive Design Guidelines.

[23-226](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

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

Principal Transportation Planner Mika Miyasato presented the staff report.

### Public Comment:

**Kuan Butts, Board of Transport Oakland**, requested that AC Transit not eliminate the current multimodal design guidelines and critical industry-standard safety features.

**Anthony** urged the Board to ensure that staff update the existing multimodal design guidelines rather than eliminate them.

**Hunter** encouraged the Board to review the recommendations for bike and pedestrian safety that would be excluded from the updated recommendations.

**Bryon Culbertson** urged the Board to consider NACTO Transit Street Design Guidelines as AC Transit improves the multimodal design guidelines to support paratransit, traffic safety, and transit liability.

**George Spies** requested to include pedestrian and bicycle safety advocate organizations in any workshops going forward.

**Caleb Jones** cautioned that busses should not be prioritized in a way that would jeopardize the safety of pedestrians and bicyclists.

MOTION: WALSH/BECKLES to receive the report on the status of the Transit Supportive Design Guidelines, thank staff, and direct staff to report back with data on areas that indicate a linkage between complete streets and transit delays; and direct staff to include local city and county bike/pedestrian groups as well as senior and disability advocacy groups in the outreach. The motion carried by the following vote:

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

#### Board Administrative Matters - President Young

6.C. Announcement of Liaison Committee assignments to the General Manager's Access Committee.

[23-282](#)

Contact:  
President Young

President Young announced the appointment of Vice President Diane Shaw as primary liaison and Director Chris Peeples as alternate liaison to the General Manager's Access Committee.

#### 7. CLOSED SESSION/REPORT OUT

There was nothing to report out of closed session.

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

(Government Code Section 54956.9 (a))

Robinson v. AC Transit, WCAB Case Nos. ADJ8176644 and ADJ3754923

Jones v. AC Transit, WCAB Case Nos. ADJ7940126, ADJ9589729, ADJ1631546, ADJ2486552, AJ2750208, ADJ288311 and ACSC Case No. RG12620431

##### 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.**

[23-028h](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

There were no new items added to Agenda Planning.

**9. GENERAL MANAGER'S REPORT**

**9.A. General Manager's Report for May 10, 2023.**

[23-029h](#)

The report was presented for information only.

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

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

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 6:26 p.m. The next meeting of the Board is scheduled for May 24, 2023 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary

## Exhibit A

May 10, 2024 Board of Directors Minutes

### **Item**

#### **3. PUBLIC COMMENT**

##### **Public Comments**

- Guest User: Dear AC Transit Board of Directors, The Latine Young Democrats of the East Bay write to express our support for the removal of the at-large wards on the AC Transit Board of Directors. We believe that this change is necessary in order to ensure fair and equitable representation for all communities, particularly for Latines who have historically been underrepresented. The at-large features of AC Transit's election system have put the two at-large seats out of reach for Asian American and Latine candidates and their supporters and have made it more difficult for them to get elected to ward seats by increasing the size of each ward. There have been only a few Asian American and Latine candidates who have been elected to the board and all have been from wards, despite representing large portions of the eligible voters in the jurisdiction. The current system of at-large wards has resulted in inequitable representation for Latines on the board. Asian Americans are approximately 28% of the residents in AC Transit's jurisdiction, and approximately 26% of the residents are Latine. Despite the fact that Latines make up a significant portion of the population in AC Transit's service area, they have not had adequate representation on the board. Only two current board directors identify as being Asian American or Latine: Sarah Syed representing Ward 3 and Jovanka Beckles representing Ward 1. Meanwhile, in the two at-large wards, no Asian American or Latine candidate has won. This has led to a lack of understanding of the needs and concerns of Latine communities, which has in turn led to policies and decisions that do not reflect the needs of these communities. AC Transit's recent election results confirm that Asian American and Latine candidates for the at-large seats have been unsuccessful in contested races. When vacancies have occurred, no Asian American or Latine board members have been appointed to these open seats. Removing the at-large wards and replacing them with district-based wards will ensure that all communities have adequate representation on the board. This will lead to policies and decisions that are more reflective of the needs and concerns of all communities, including Latine communities. We urge the AC Transit Board of Directors to take this important step towards greater equity and representation. It is imperative that all communities have a voice in the decisions that affect their daily lives. Removing the at-large wards is an important step in ensuring that this happens. Thank you for your time and consideration in this matter. If you have any questions or concerns, please feel free to reach out to [info@lydeb.org](mailto:info@lydeb.org).