



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

### **AGENDA**

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

CLOSED SESSION 3:45 PM for Agenda Items 7A-7E

HYBRID MEETING

Refer to Page 2 of Agenda for In-Person Meeting Protocols.

AC Transit General Offices  
2nd Floor Board Room  
1600 Franklin Street, Oakland, CA 94612

Phone (669) 900 6833

Webinar ID: 984 8717 5063

[Zoom link https://actransit.zoom.us/j/98487175063](https://actransit.zoom.us/j/98487175063)

**Wednesday, December 14, 2022 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**

**JILL A. SPRAGUE, GENERAL COUNSEL**

**LINDA A. NEMEROFF, DISTRICT SECRETARY**

**Advisory for Virtual Public Meetings**

Due to COVID-19, this meeting will be conducted as a hybrid teleconference and in-person meeting pursuant to Government Code Section 54953. Members of the public, and staff members whose presence is not specifically requested, are encouraged to participate remotely.

Covid-19 Protocols for In-Person Attendance:

1. Visitors experiencing the following symptoms of COVID-19 may not enter the meeting location: • Cough • Chills • Sore Throat • Shortness of Breath • Muscle Pain • Loss of Taste or Smell • Fever
2. Visitors must use the hands-free temperature scanners upon entry. An alert will sound and entrance will be prohibited if a temperature is measured at 100.4 or above.
3. Visitors must show proof of Covid-19 vaccination and masks will be required for all visitors.

**Live Public Comment**

Live public comment will be accepted during the meeting in person, through Zoom, or the teleconference number listed on the cover page. Participants using Zoom should use the "raise your hand" feature to indicate they wish to speak on an item. The meeting host will call on each speaker when it is their turn to speak. Use the unmute option when you are recognized to speak. For participants calling in, dial \*9 to "raise your hand" when the agenda item is called. When you are called to speak by the last 4 digits of your phone number or by name, dial \*6 to unmute yourself. If you decide not to speak, you may dial \*9 to "lower your hand".

**Written Public Comment**

Written comment can be submitted directly to the Board BEFORE the meeting starts. Click on <https://actransit.legistar.com/Calendar.aspx> and then click on the "eComment" link for the corresponding meeting. Please note that eComment submissions close at 4:30 p.m. prior to the start of the meeting. Written comments can also be emailed to [myvoice@actransit.org](mailto:myvoice@actransit.org). Please indicate the agenda item number in the subject of the email. Email submissions must be received by 3:00 p.m. prior to the start of the meeting.

For the members of the public who only wish to listen to the Board of Directors meeting (and not provide comment), a live audio/video stream is available online at: <https://actransit.legistar.com/Calendar.aspx> [Under the "Audio/Video" column, Click on the "In Progress" link. This can only be done during the live broadcast of the meeting.]

AC Transit does not provide technical support to users accessing the meeting by telephone/Zoom.

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENT**

Any person may directly address the Board at this time on any item of interest to the public that is within the subject matter and jurisdiction of the Board. Boardmembers may briefly respond to statements or questions from the public, ask questions for clarification, refer a matter to staff, request staff to report back at a subsequent meeting, or direct staff to place the matter on a future agenda. However, under the Brown Act, the Board cannot engage in discussion or take action on any item not listed on the agenda. Public Comment on a specific agenda item will be invited at the time the item is being considered. Two (2) minutes are allowed for each item.

**4. MODIFICATIONS TO THE AGENDA**

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

5.A. Consider approving the minutes of the Joint Board of Directors/Retirement Board meeting held on October 19, 2022. [22-619](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

5.B. Consider approving the minutes of the Special Board of Directors meeting on November 16, 2022. [22-628](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

5.C. Consider approving the minutes of the special Board of Directors meeting of December 2, 2022. [22-640](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

5.D. Consider the adoption of Resolution No. 22-046 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 January 13, 2023. [22-053p](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 5.E. Consider receiving the Certificates of Election Results and the Official Canvas for Director At-Large Joel Young, Ward 4 Director Murphy McCalley, newly elected Ward 3 Director Sarah Syed, and Ward 5 Director Diane Shaw who was unopposed. [22-615a](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 5.F. Consider receiving the Accessibility Advisory Committee minutes of October 11, 2022. [22-626](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 5.G. Consider approving the award of a contract to MarinShip Development Interest, LLC (of San Francisco) for the installation of a stormwater bioswale at the San Leandro Transit Center/San Leandro BART Station/BRT Southern Terminus. [22-642](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 5.H. Consider receiving the Monthly Reports on Investments for September 2022. [22-600](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 5.I. Consider approving minor amendments to Board Policy 311 - Budgets [22-620](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 5.J. Consider receiving the semi-annual update on the Next Generation Clipper (C2) Program implementation. [22-606](#)

Staff Contact:

Ahsan Baig, Chief Information Officer

Beverly Greene, Executive Director of External Affairs, Marketing & Communications

- 5.K. Consider authorizing the General Manager to enter into contracts and approve annual renewal rates for Kaiser Permanente, Health Net, Vision Service Plan, MetLife Dental and Standard Life Insurance. [22-638](#)
- Staff Contact:  
Sebron Flenaugh III, Executive Director of Human Resources
- 5.L. Consider receiving the Monthly Legislative Report. [22-552](#)
- Staff Contact:  
Beverly Greene, Executive Director of External Affairs, Marketing & Communications
- 5.M. Consider approving amendments to, and the re-titling of, Board Policy 213 from “Prohibiting All Forms of Unlawful Employment Discrimination Including Sexual or Other Forms of Harassment” to “Prohibiting Unlawful Employment Discrimination, Harassment and Retaliation”. [22-454](#)
- Staff Contact:  
Sebron Flenaugh III, Executive Directors of Human Resources
- 5.N. Consider the adoption of Resolution No. 22-047 authorizing the General Manager to enter into a Memorandum of Understanding with the American Federation of State, County and Municipal Employees (AFSCME) Local 3916 for an Appreciation Pay Bonus. [22-644](#)
- Staff Contact:  
Sebron Flenaugh III, Executive Director of Human Resources  
Michael Hursh, General Manager/Chief Executive Officer
- 5.O. Consider adopting the District’s three-year Disadvantaged Business Enterprise (DBE) Goal of 24% for Federal Fiscal Years (FFY) 2023 - 2025. [22-241b](#)
- Staff Contact:  
Michael Hursh, General Manager/Chief Executive Officer  
Lynette Little, Director of Civil Rights & Compliance

## 6. REGULAR CALENDAR

### Finance and Audit Items - Chair Shaw

- 6.A. Consider receiving the Year-End Financial Statements and Independent Auditor's Report for the Fiscal Year Ended June 30, 2022. [22-568](#)

Staff Contact:  
Chris Andrichak, Chief Financial Officer

- 6.B. Consider receiving a report from the District Parcel Tax Fiscal Oversight Committee on Measure VV/C1 tax proceeds for the year ended June 30, 2022. [22-583](#)

Staff Contact:  
Chris Andrichak, Chief Financial Officer

### Planning Items - Chair Beckles

- 6.C. Consider receiving an update on the Metropolitan Transportation Commission's (MTC) Regional Network Management (RNM) Business Case, including the proposed Near-term Framework. [22-641](#)

Staff Contact:  
Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.D. Consider adopting AC Transit's Bus Stop Furniture Guidelines. [22-403a](#)

Staff Contact:  
Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.E. Consider approving the submittal of the Short-Range Transit Plan (SRTP) to the Metropolitan Transportation Commission (MTC). [22-580](#)

Staff Contact:  
Ramakrishna Pochiraju, Executive Director of Planning & Engineering

### Operations Items - Chair Young

- 6.F. Consider receiving a report on how District Employees are engaged to provide feedback and suggestions, and how responses are facilitated [Requested by Director Walsh 1/12/2022]. [22-572](#)

Staff Contact:  
Sebron Flenaugh III, Executive Director of Human Resources

- 6.G. Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the First Quarter of Fiscal Year 22-23. [22-593](#)

Staff Contact:  
Salvador Llamas, Chief Operating Officer

- 6.H. Consider receiving the Quarterly Protective Services Report for AC Transit during the First Quarter of Fiscal Year 2022-23. [22-599](#)

Staff Contact:  
Salvador Llamas, Chief Operating Officer

### Board Administrative Matters - President Young

- 6.I. Announcement of appointments to the Nominating Committee for the selection of President and Vice President of the Board for 2023. (Verbal) [22-625](#)

Presenter:  
President Young

- 6.J. Announcement of Interim Liaison Committee appointments. (verbal) [22-627](#)

Presenter:  
President Young

### 7. CLOSED SESSION/REPORT OUT

The items for consideration are listed below and will be reported on by the General Counsel as necessary at the end of the meeting.

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

(Government Code Section 54956.9 (a))

- Cornelius v. AC Transit, WCAB Case Nos. ADJ8599334; ADJ8926766; ADJ10406703; ADJ8774612
- Oliver v. AC Transit, WCAB Case Nos. ADJ1967574, ADJ207089, ADJ1888509, ADJ2787478, ADJ2725287, ADJ586122, ADJ1408097, ADJ967580, ADJ2120880, ADJ690472, ADJ1453735

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

(Government Code Section 54956.9(b))

#### 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

**7.E. Threat to Public Services and Facilities**

(Government Code Section 54957(a)):

Consultation with: Salvador Llamas, Chief Operating Officer.

**8. AGENDA PLANNING**

Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of three Directors, including the requestor.

8.A. Review of Agenda Planning Pending List.

[22-065t](#)

**9. GENERAL MANAGER'S REPORT**

9.A. General Manager's Report for December 14, 2022.

[22-041t](#)

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**11. ADJOURNMENT**

Next Meeting: January 11, 2022 at 5:00 p.m.

## MEETING DISCLOSURES

**Public Comment:** For subjects not listed on this agenda, the public will be invited to speak under the "PUBLIC COMMENTS" section of the regular meeting agenda. For specific agenda item(s), speakers will be invited to address the Board at the time the item is being considered. All speakers, including anyone using simultaneous translation equipment, are allowed two (2) minutes to present comments. Speakers using a translator will receive twice the allotted time. Individuals wishing to present more detailed information are encouraged to submit comments in writing. Written comments are included in the record for meeting(s), and as such, are available for public inspection and may be posted to the District's website.

**Electronic Devices:** All electronic devices such as cell phones, smartphones, tablets and similar-sounding devices, shall be placed on mute, vibrate or silent mode during Board meetings pursuant to District Ordinance No. 12.

**Order of Agenda Items:** The Board may discuss any item listed on this agenda and in any order.

**Availability of Agenda Related Materials:** Written agenda related materials for all open session regular meetings are available to the public 72 hours prior to the meeting or at the time the materials are distributed to a majority of the Board. Written materials presented at a meeting by staff or a member of the Board will be available to the public at that time, or after the meeting if supplied by an outside party. Agenda related materials are available on the District's website or by contacting the District Secretary's Office.

**Wheelchair Access and Assistive Listening Devices:** Due to existing shelter-in-place orders related to the spread of the Coronavirus, in-person public meetings are prohibited. Meetings can be accessed by telephone or Zoom video conference. A live audio stream of the meeting and an archive of past meetings can be accessed via the District's website at <https://actransit.legistar.com/Calendar.aspx>. Please see page 1 of the agenda for further details.

**Alternative Formats/Interpreters:** Written materials in appropriate alternative formats or disability related modification/accommodation must be made three business days in advance of the meeting to help ensure availability. Subject to availability, sign language and foreign language interpreters will be provided upon request with 72-hour notice. Please direct requests for disability related modification or accommodation and/or interpreter services to Linda A. Nemeroff, District Secretary, 1600 Franklin Street, Oakland, California, 94612 or call (510) 891-7201. To access a recording of the current agenda by telephone, dial (510) 891-7200. District Ordinance No. 13 prohibits non-service animals at District facilities unless specifically authorized by law. To accommodate individuals with severe allergies and environmental illnesses, meeting participants should refrain from wearing scented products to the meeting.