



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Special Meeting of the Board of Directors

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 22, 2023 at 1:00 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 special meeting on Wednesday, February 22, 2023.

President Young called the meeting to order at 1:04 p.m.

2. ROLL CALL

Director Peeples arrived at 1:12 p.m.

Director Beckles arrived at 3:15 p.m.

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

The Board convened in Closed Session at 1:05 p.m. to discuss the items on the closed session agenda. All Board members were present with the exception of Director Beckles. Director Peeples arrived at 1:12 p.m.

The meeting recessed at 2:00 p.m. and reconvened at 3:00 p.m. All Board members were present with the exception of Director Beckles who arrived at 3:15 p.m.

The meeting recessed at 3:52 p.m. and reconvened at 4:02 p.m. All Board members were present. Closed Session concluded at 4:35 p.m.

3. CLOSED SESSION/REPORT OUT

The special meeting reconvened at 5:01 p.m. All Board members were present. General Counsel Sprague reported out on the following:

MOTION: PEEPLES/SHAW to approve settlement in the amount of \$275,000 in the matter of Scarborough v. AC Transit, Alameda County Superior Court Case No. RG1889300. The motion passed by the following vote:

Ayes: Beckles, Walsh, Syed, Murphy, Peeples, Shaw, Young

MOTION: PEEPLES/BECKLES to approve settlement via Compromise and Release in the amount of \$175,000 in the matter of Maggard v. AC Transit; WCAB Case Nos. ADJ11527714; ADJ12696256; Unassigned WCAB Case (5/25/20 injury). The motion passed by the following vote:

Ayes: Beckles, Walsh, Syed, Murphy, Peeples, Shaw, Young

3.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

- Scarborough v. AC Transit, Alameda County Superior Court Case No. RG1889300
- Young v. AC Transit; WCAB case No. ADJ8580580
- Maggard v. AC Transit; WCAB Case Nos. ADJ11527714; ADJ12696256; Unassigned WCAB Case (5/25/20 injury)

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).

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

(Government Code Section 54956.9(b))

3.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

3.D. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

4. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 5:03 p.m.

Respectfully Submitted,

Linda A. Nemeroff
District Secretary