



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

3:45 PM Closed Session (see item 8 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

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

Wednesday, December 11, 2024 at 5:00 PM

MEMBERS OF THE BOARD OF DIRECTORS

JOEL YOUNG, PRESIDENT (AT-LARGE)

DIANE SHAW, VICE PRESIDENT (WARD 5)

H. E. CHRISTIAN PEEPLES (WARD 1)

JEAN WALSH (WARD 2)

SARAH SYED (WARD 3)

MURPHY MCCALLEY (WARD 4)

ANTHONY C. SILVA (WARD 6)

BOARD OFFICERS

MICHAEL A. HURSH, 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

Live Public Comment

Board of Directors meetings are held in person. Live public comment may be given in person, on Zoom, or the teleconference number listed on the cover of this agenda. Speakers must be ready to present their comments when they are called upon to speak.

Zoom participants must use the "raise your hand" feature to indicate they wish to speak on an item and be prepared to accept the prompt to unmute. If calling into a meeting, dial *9 to "raise your hand" when the agenda item you wish to speak to is called. Dial *6 to unmute when the last four digits of your number are called. If you decide not to speak, dial *9 to "lower your hand".

Written Public Comment

To submit a written comment to the Board, click on <https://actransit.legistar.com/Calendar.aspx> and then click on the "eComment" link for the corresponding meeting. The eComment submission window closes 30 minutes prior to the start of the meeting. Written comments may also be emailed to myvoice@actransit.org. Indicate the agenda item number in the subject of the email. Email comments must be received no later than two hours prior to the start of the meeting.

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

ADA Reasonable Accommodations / Alternative Formats / Language Assistance

In-person meetings of the Board of Directors are accessible to individuals in wheelchairs and assistive listening devices are available to individuals with a hearing impairment. Written materials in alternative formats and disability-related modifications/accommodations must be made three business days in advance of the meeting or hearing to help ensure availability. Language assistance and sign language interpreters can be provided upon request three business days in advance of the meeting, subject to availability. Direct requests for reasonable accommodation or interpreter services to the District Secretary's Office at districtsecretary@actransit.org or by calling (510) 891-7201. To access an audio recording of the current agenda by telephone, dial (510) 891-7200.

1. CALL TO ORDER

2. ROLL CALL

3. PRESENTATION

- 3.A. Consider the adoption of Resolution No. 24-040 honoring Michael A. Hursh for his years of dedicated service as AC Transit’s General Manager and Chief Executive Officer. [24-614](#)

Presenter:
President Young

4. 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.

5. MODIFICATIONS TO THE AGENDA

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

- 6.A. Consider approving Board of Directors meeting minutes of November 13, 2024. [24-047](#)

Staff Contact:
Linda Nemeroff, Board Administrative Officer/District Secretary

- 6.B. Consider approving Board of Directors meeting minutes of November 19, 2024 (Special Meeting). [24-612](#)

Staff Contact:
Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 6.C. Consider adopting the revised 2025 regular Board meeting schedule. [24-509a](#)

Staff Contact:
Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 6.D. Consider authorizing the District Secretary to conduct a recruitment to fill a vacant public member position on the AC Transit Retirement Board; allow applicants residing within the five-county Bay Area Region outlined in the staff report to apply; and adopt Resolution No. 24-030 reappointing Jeffrey Lewis as the second of the two public members to the AC Transit Retirement Board and Chief Financial Officer Chris Andrichak as the non-ATU member, each for a two-year term expiring on March 31, 2027. [24-462](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 6.E. Consider receiving the General Manager's Access Committee minutes of October 8, 2024. [24-592](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.F. Consider authorizing the General Manager to execute a contract amendment with Global Traffic Technologies (GTT)/Miovision to service, upgrade and repair the GPS-based Transit Signal Priority (TSP) system on AC Transit buses. [19-212a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.G. Consider authorizing the General Manager, or his designee, to execute documents through the State of California's Department of General Services (DGS) contract to purchase nine (9) sixty-foot zero-emission hydrogen buses from New Flyer. [24-406](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

- 6.H. Consider receiving a report from the District Parcel Tax Fiscal Oversight Committee on Measure VV/C1 tax proceeds for the year ended June 30, 2024. [24-606](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

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- 6.I. Consider receiving the Year-End Financial Statements and Independent Auditor's Report for the Fiscal Year Ended June 30, 2024. [24-556](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.J. Consider review of Board Policy 311 - Budgets, with no amendments. [24-492](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.K. Consider adoption of Resolution No. 24-036 authorizing the General Manager or his designee to file and execute an amended application with the Metropolitan Transportation Commission (MTC) for MTC's Transit Capital Priorities (TCP) Program for Federal Fiscal Years (FFY) 2024-25 and 2025-26, including Federal Transit Administration (FTA) Sections 5307, 5337, 5339 and Surface Transportation Program (STP) funds. [24-537](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.L. Consider receiving the quarterly budget update for the period of July 2024 through the end of September 2024 of FY 2024-25. [24-583](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.M. Consider receiving the Monthly Report on Investments for September and October 2024. [24-585](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.N. Consider approving contract award to One WorkPlace Construction, LLC (dba Vantis) to provide technological equipment, supplies, and labor associated with the upgrade of the tenth-floor conference room in the District's General Office building. [24-387a](#)
- Staff Contact:
Ahsan Baig, Chief Information Officer
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- 6.O. Consider authorizing the General Manager to extend the current contract with Clever Devices Inc., for two years, from December 31, 2024, to December 31, 2026, for Computer Aided Dispatch and Automated Vehicle Location (CAD/AVL) system software. [24-450](#)

Staff Contact:

Ahsan Baig, Chief Information Officer

- 6.P. Consider authorizing the General Manager to extend the current contract with Arcadis, Inc., for two years from December 31, 2024 to December 31, 2026, and increase the Contract Change Order threshold from 28% to 30% to allow for completion of the existing scope of work. [13-326e](#)

Staff Contact:

Ahsan Baig, Chief Information Officer

- 6.Q. Consider the adoption of Resolution No. 24-041 approving the following new classifications: Telecommunications Analyst I; Senior Telecommunications Analyst; and Data Scientist; and approving the revisions to the following classifications: Telecommunications Analyst II; Innovation and Technology (IT) Service Analyst I; Data Engineer (formerly Database Administrator); and the Director of Training and Workforce Development (formerly Training and Education Manager). [24-533](#)

Staff Contact:

Michael Hursh, General Manager/Chief Executive Officer

- 6.R. Consider the adoption of Resolution No. 24-029 approving the new classification of Deputy Executive Officer Retirement Plan. [Previously considered by the Board of Directors on April 24, 2024.] [24-096a](#)

Staff Contact:

Michael Hursh, General Manager/Chief Executive Officer

7. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 7.A. Consider receiving the Monthly Legislative Report and approving legislative positions, if necessary. [24-611](#)

Staff Contact:

Claudia Burgos, Director of Legislative Affairs & Community Relations

Board Administrative Matters - President Young

- 7.B. Announcement of appointments to the Nominating Committee for the selection of President and Vice President of the Board for 2025. (Verbal) [24-587](#)

Presenter:
President Young

8. 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.

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

- Cooks v. AC Transit, WCAB Case Nos. ADJ006670 ADJ8285977 and ADJ9169216
- Pena-Garcia v. AC Transit, ACSC Case No. 23CV032825
- Mayberry v. AC Transit, et al., CCCSC Case No. C21-01629
- Williams v. AC Transit, ACSC Case No. 24CV069216
- AC Transit v. Arrow Construction, ACSC Case Number 23CV028095
- AC Transit v. Cal Trans, ACSC Case Number 22CV022839
- AC Transit v. CenturyLink et. al., ACSC Case Number 23CV048523
- AC Transit v. Hathaway Dinwiddie, et al., ACSC Case Number 23CV02878
- AC Transit v. Innovative Construction Solutions, et al., ACSC Case Number 23CV047231
- AC Transit v. The Martin Group, et al., ACSC Case Number 23CV031555

8.B. Conference with Legal Counsel – Potential Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (two cases)
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (two 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. Conference with Labor Negotiator

(Government Code Section 54957.6):

Agency Designated Representative: President Young, General Counsel

Unrepresented Employees: Interim General Manager, Acting General Manager

8.E. Public Employee Appointment

(Government Code Section 54957(b))

Title: Interim General Manager, Acting General Manager

9. 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.

- 9.A. Review of Agenda Planning Pending List and Agenda Planning Request Form submitted jointly by Directors Walsh and McCalley. [24-061s](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

10. GENERAL MANAGER’S REPORT

- 10.A. General Manager’s Report for December 11, 2024. [24-016s](#)

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

- 11.A. Written reports from Board members on travel to District-related conferences occurring in the last 30 days. [24-317](#)

12. ADJOURNMENT

Next Meeting: January 8, 2025 at 5:00 p.m.

MEETING DISCLOSURES

Live Audio/Video Stream: Meetings of the Board of Directors are recorded and streamed live on the District's website.

Public Comment: Live public comment will be accepted during the meeting in person, through Zoom, or the teleconference number listed on the cover page. Members of the public wishing to present comments in person should complete a Speaker's Form and submit it to the District Secretary at the meeting. For subjects not listed on this agenda, the public will be invited to speak under the "PUBLIC COMMENT" item on 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 from the District Secretary's Office, 1600 Franklin Street, Oakland, California, or on the District's website.

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.