



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

### **MINUTES**

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

CLOSED SESSION 3:45 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, April 12, 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 Transit District Board of Directors held a regular meeting on Wednesday, April 12, 2023.

The meeting was called to order at 3:45 p.m. for the purpose of Closed Session. All Board members were present, with the exception of Director Walsh and Director Beckles who arrived at 3:48 p.m. The Board convened in Closed Session to discuss Items 7A-7E as listed on the agenda. Closed Session concluded at 4:44 p.m.

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

**2. ROLL CALL**

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

**3. PUBLIC COMMENT**

**Jane Kramer** noted that the current time for public speaker comments on Board agenda report should follow, not precede, Board member discussion.

**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, approve, or adopt the items on the Consent Calendar as indicated. The motion carried by the following vote:

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

**5.A.** Consider approving Board of Directors minutes of March 22, 2023.

[23-100](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the Board of Directors minutes of March 22, 2023. The motion carried by the following vote:

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

**5.B.** Consider approving Board of Directors Special Meeting minutes of March 22, 2023.

[23-231](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the Board of Directors Special Meeting minutes of March 22, 2023. The motion carried by the following vote:

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

**5.C.** Consider authorizing members of the Board of Directors to attend the American Public Transportation Association (APTA) Study Tour in the Framework of the International Association of Public Transport (UITP) 2023 Summit on May 31 to June 3, 2023, in Madrid-Valencia-Barcelona, Spain.

[22-160a](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to authorize members of the Board of Directors to attend the American Public Transportation Association (APTA) Study Tour in the Framework of the International Association of Public Transport (UITP) 2023 Summit on May 31 to June 3, 2023, in Madrid-Valencia-Barcelona, Spain. The motion carried by the following vote:

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

**5.D.** Consider receiving report on Annual Statement of Economic Interest filings.

[23-213](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to receive a report on Annual Statement of Economic Interest filings. The motion carried by the following vote:

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

**5.E.** Consider approving minor amendments to Board Policy 424 - Non-Discrimination on the Basis of Disability. [Continued from the February 8, 2023 Board of Directors Meeting]

[23-133a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to approve minor amendments to Board Policy 424 - Non-Discrimination on the Basis of Disability. The motion carried by the following vote:

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

**5.F.** Consider authorizing the General Manager to exercise a one-year option to extend AC Transit's Performance Assurance Plan contract for the stationary solid oxide fuel cell (SOFC) system at Seminary Division 4.

[11-117c](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: PEEPLES/McCALLEY to authorize the General Manager to exercise a one-year option to extend AC Transit's Performance Assurance Plan contract for the stationary solid oxide fuel cell (SOFC) system at Seminary Division 4. The motion carried by the following vote:

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

**5.G.** Consider the adoption of Resolution No. 23-018 authorizing the Alameda County Transportation Commission to appropriate \$2 million of the \$10 million dedicated toward College/Broadway Corridor Transit Priority in the Measure BB Transportation Expenditure Plan to the City of Oakland for sole use on construction of District approved transit priority elements under the City's Reconnecting the Town: Safe, Reliable and Equitable Access Project, particularly the construction of the extension of dedicated transit lanes on Broadway to Jack London Square.

[23-220](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering  
Chris Andrichak, Chief Financial Officer

Vice President Shaw and Director McCalley had brief clarifying questions about the timeline and use of the funds that were addressed by staff.

MOTION: PEEPLES/McCALLEY to adopt Resolution No. 23-018 authorizing the Alameda County Transportation Commission to appropriate \$2 million of the \$10 million dedicated toward College/Broadway Corridor Transit Priority in the Measure BB Transportation Expenditure Plan to the City of Oakland for sole use on construction of District approved transit priority elements under the City's Reconnecting the Town: Safe, Reliable and Equitable Access Project, particularly the construction of the extension of dedicated transit lanes on Broadway to Jack London Square. The motion carried by the following vote:

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

**5.H.** Consider authorizing the issuance of a Request for Proposal (RFP) for mobile on-site and after- hours drug and alcohol testing services.

[23-230](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

MOTION: PEEPLES/McCALLEY to authorize the issuance of a Request for Proposal (RFP) for mobile on-site and after- hours drug and alcohol testing services. The motion carried by the following vote:

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

**5.I.** Consider receiving a report on the District's planned service changes associated with the June 2023 Sign-up.

[23-228](#)

**Staff Contact:**

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

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

MOTION: PEEPLES/McCALLEY to receive a report on the District's planned service changes associated with the June 2023 Sign-up. 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 authorizing the General Manager to approve and execute the renewal of the District's 2023-2024 Transit Operations Insurance Program under the terms and conditions recommended by Staff. [23-224](#)

**Staff Contact:**

Jill A. Sprague, General Counsel/Chief Legal Officer

[A proposal for Excess Automobile and General Liability was anticipated, but was not available at the time of the meeting.]

Claims and Liability Manager Jean Paul Popoff presented the staff report. There were no public comments offered.

MOTION: SHAW/YOUNG to authorize the General Manager to approve and execute the renewal of the District's 2023-2024 Transit Operations Insurance Program under the terms and conditions recommended by Staff. The motion carried by the following vote:

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

**Operations Items - Chair Shaw**

**6.B.** Consider receiving an update on Bus Operator recruitment, hiring and training process. [Requested by Director Walsh - 12/14/2022] [23-155](#)

**Staff Contact:**

Sebron Flennaugh III, Executive Director of Human Resources

Human Resources Manager Christy McCree presented the Staff Report.

**Public Comment:**

**Richard Marcantonio** requested the Board and staff listen to their front line workers and support their needs.

**Sultana Adam**, D3 Operator, expressed the need for greater support for current

overworked staff by addressing work conditions and scheduling issues.

**Alfred Twu** noted the need to support existing bus operators, especially in the areas of scheduling and working conditions.

**Dori Goldberg**, Peoples' Transit Alliance, noted that fixing the bus operator shortage and finding ways to make transit workers feel valued and respected is essential to bringing workforce levels up.

**Jane Kramer** commented that solving the bus operator training and hiring issues would entice the public to show their appreciation for their service.

Some Board members expressed a desire to discuss employee retention. Because the staff report only addressed the recruitment and hiring process for bus operators, President Young suggested that Board members interested in the issue caucus to clearly define and develop an agenda planning request to present at the next Board meeting.

MOTION: McCALLEY/SHAW to receive an update on the Bus Operator recruitment, hiring and training process. The motion carried by the following vote

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

#### Planning Items - Chair Syed

**6.C.** Consider receiving a report on a series of service changes for the August 2023 Sign-up that would address concerns from bus operators about runtime and layover, as well as changes in service to close the gap between scheduled service and available operators. [23-233](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Service Planning Manager Michael Eshleman presented the staff report. There were no public comments offered.

MOTION: SHAW/PEEPLES to receive a report on a series of service changes for the August 2023 Sign-up that would address concerns from bus operators about runtime and layover, as well as changes in service to close the gap between scheduled service and available operators. The motion carried by the following vote:

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

**6.D.** Consider receiving a report on existing pilots on Line 60 and Line 78 performance and provide direction on: [23-123a](#)

1. Extending the existing Line 60 Chabot College - South Hayward BART pilot until implementation of the District's network realignment plan.

2. Extending the existing Line 78 Santa Clara Avenue - Seaplane

Lagoon Ferry Terminal pilot until implementation of the District's network realignment plan.

3. Whether to implement or defer an extension of existing Line 7 along the Ashby corridor to Emeryville and considering implementation of the service under the District's network realignment plan.

**Staff Contact:**

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

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

Service Planning Manager Michael Eshleman presented the staff report and outlined the actions under consideration.

**Public Comment:**

**Tom Yamaguchi** expressed support of pilot service for the Line 7 extension along Ashby Avenue.

**Alfred Twu** expressed support for the Line 78 pilot program in Hayward and the Line 7 extension along Ashby Avenue, but commented that the Line 60 pilot to the Alameda Ferry Terminal be discontinued.

**Omowale Fowles** expressed support for Ashby Avenue service restoration.

**Darrell Owens** expressed support for the Line 78 and Line 7 pilots while discontinuing the Line 60 pilot.

**Rebecca Mirvish**, President, Telegraph for People, noted support for Ashby Avenue bus service.

There was broad support for a formal process and policy to govern the selection and evaluation of future pilot service, and staff agreed to undertake the development of a policy during its review of Board Policy 545 - Service Standards and Design Policy.

**MOTION:** BECKLES/McCALLEY to implement an extension of existing Line 7 along the Ashby corridor to Emeryville and consider implementation of the service under the District's network realignment plan (later clarifying to implement as soon as possible).

**AMENDED MOTION:** SHAW/YOUNG to extend the Line 60 Pilot (Chabot College - South Hayward BART), allow the Line 78 Pilot to expire (Santa Clara Avenue – Seaplane Lagoon Ferry Terminal); and initiate the Line 7 extension (Ashby Corridor to Emeryville). The motion carried by the following vote:

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

**7. CLOSED SESSION/REPORT OUT**

General Counsel Jill Sprague reported out the following:

MOTION: PEEPLES/SHAW to approve settlement in the matter of Cooks v. AC Transit, WCAB Case Nos. ADJ006670; ADJ8285977; ADJ9169216, in the amount of \$400,000 encompassing permanent disability, Medicare set aside and attorneys' fees. The motion carried by the following vote:

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

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

(Government Code Section 54956.9 (a))

Shawn Cooks v. AC Transit; WCAB Case Nos. ADJ006670; ADJ8285977; ADJ9169216

**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

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

(Government Code Section 54957(a)):

Consultation with: Ahsan Baig, Chief Information Officer

**8. AGENDA PLANNING**

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

[\*\*23-028f\*\*](#)

- Agenda Planning Request - Director Walsh

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

Director Walsh's request was accepted.

**9. GENERAL MANAGER'S REPORT**

**9.A. General Manager's Report for April 12, 2023.**

[\*\*23-029f\*\*](#)

The General Manager's Report was presented for information only.

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

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

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 6:48 p.m. The next meeting of the Board is scheduled for April 26, 2023 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff  
Board Administrative Officer/District Secretary