



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

CLOSED SESSION 4:15 PM (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, March 27, 2024 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

SHAYNA VAN HOFTEN, INTERIM GENERAL COUNSEL/CHIEF LEGAL OFFICER

LINDA A. NEMEROFF, BOARD ADMINISTRATIVE OFFICER/DISTRICT SECRETARY

Teleconference

Director H. E. Christian Peeples, Grand Hyatt - Business Center, 3300 Peachtree Road NE, Atlanta, GA

Live Public Comment

The public is invited to attend the Board of Directors meeting in person or remotely. Live public comment will be accepted during the meeting in person, through Zoom, or the teleconference number listed on the cover of this agenda.

District Secretary will call each speaker when it is their turn to speak. Zoom participants must use the "raise your hand" feature to indicate they wish to speak on an item and use the "unmute" option once prompted to speak.

For participants calling in, dial *9 to "raise your hand" when the agenda item is called. When you are called by the last 4 digits of your phone number, dial *6 to unmute. If you decide not to speak, 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 30 minutes prior to the start of the meeting. Written comments can also be emailed to myvoice@actransit.org. Indicate the agenda item number in the subject of the email. Email submissions must be received two hours prior to the start of the meeting.

Members of the public who wish to listen/view the meeting can do so at <https://actransit.legistar.com/Calendar.aspx> by clicking on the "In Progress" link under the "Audio/Video" column. This feature is only available 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. PRESENTATION**

- 3.A. Update on federal legislative activities. [24-147](#)

Staff Contact:

Steve Palmer, Vice President - Van Scoyoc Associates

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 March 13, 2024. [24-024](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 6.B. Consider approving amendments to Board Policy 155 - Travel, Meeting and Miscellaneous Expense Reimbursements for Directors and Board Officers, including an increase to the travel allotment for each individual Board member as well as the additional funds allotted to the Board President. [Requested by Vice President Shaw - 3/13/24] [24-173](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

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- 6.C. Consider approving amendments to Board Policy 177, including a change in the title of the policy to “Transit Passes & Meeting Expense Reimbursements for Board or General Manager-Appointed Advisory Committee Members”. [24-165](#)
- Staff Contact:
Linda A. Nemeroff, Board Administrative Officer/District Secretary
- 6.D. Consider approving the guidelines and process for reimbursement of travel expenses associated with the General Counsel/Chief Legal Officer Recruitment process. [24-214](#)
- Staff Contact:
Linda A. Nemeroff, Board Administrative Officer/District Secretary
- 6.E. Consider receiving the Quarterly budget update for the period of July 2023 through the end of December 2023 of FY 2023-24. [24-129](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.F. Consider receiving the Monthly Report on Investments for November, December, and January. [24-222](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.G. Consider approving one two-year option for custody/safekeeping bank services with Principal Custody Solutions. [17-019d](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.H. Consider review of Board Policy 316 - Debt Management Policy, with no recommended amendments. [24-166](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.I. Consider a review of Board Policy 349, Investment Policy, with no recommended amendments. [24-184](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
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- 6.J. Consider authorizing the General Manager to execute a contract with Mohawk Lifts, LLC, to purchase three sets of portable bus lifts. [22-376a](#)
- Staff Contact:
Salvador Llamas, Chief Operating Officer
- 6.K. Consider approving an increase to contract 2022-1540 to GEMS Environmental Services, Inc. for the removal and disposal of unforeseen contaminated soil and water at the Emeryville (D2) Division Underground Tank Removal Project. [20-467c](#)
- Staff Contact:
Ramakrishna Pochiraju, Executive Director of Planning & Engineering
- 6.L. Consider receiving an annual report identifying all Tempo Platform video/data requests made from outside law enforcement agencies, and direct staff to provide an annual report to the Board. [Requested by Director Peeples - 1/24/24] [24-221](#)
- Staff Contact:
Alan Parello, Internal Audit Manager
- 6.M. Consider authorizing the General Manager to execute two one-year contract options with Messer of North America, LLC; one for hydrogen fuel supply and the other for maintenance services associated with the District-operated hydrogen fuel station. [20-212b](#)
- Staff Contact:
Salvador Llamas, Chief Operating Officer
- 6.N. Consider approving minor amendments to Board Policy No. 480 Safety Management Systems Policy. [24-112](#)
- Staff Contact:
Marla Lee Blagg, Director of Safety, Security & Training
- 6.O. Consider receiving a report summarizing the new and revised classification specifications presented during the calendar year 2023. [24-194](#)
- Staff Contact:
Sebron Flenaugh III, Executive Director of Human Resources

7. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 7.A. Consider receiving the Monthly Legislative Report and approving legislative positions. [24-161](#)

Staff Contact:

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

- 7.B. Consider receiving a report of findings from AC Transit's first customer satisfaction survey. [24-135](#)

Staff Contact:

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

Finance and Audit Items - Chair McCalley

- 7.C. Consider the adoption of Resolution 24-009 selecting one of the following options for the planned local and Transbay fare increases: [21-163c](#)

1. implement the previously-deferred increases, to be effective on July 1, 2024 and July 1, 2025; or

2. further defer implementation of the previously-postponed local and Transbay fare increases by one additional year to July 1, 2025 and July 1, 2026, and allow for no further deferrals;

and receive an update on proposed changes to Board Policy 333: Fare Policy Goals and Methodology and the outreach planned to support the required Title VI analysis.

Staff Contact:

Chris Andrichak, Chief Financial Officer

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

Planning Items - Chair Syed

- 7.D. Consider receiving the Semi-annual Strategic Plan update and draft timeline for developing Strategic Plan 2025. [24-170](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 7.E. Receive a report on the process and guiding principles for updating Board Policy 501 governing the District's bus stops. [24-186](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Operations Items - Chair Shaw

- 7.F. Consider receiving the FY 2023-24 Second Quarter Protective Services Report. [24-211](#)

Staff Contact:

Marla Lee Blagg, Director of Safety and Security

Board Administrative Matters - President Young

- 7.G. Consider the review and approval of the draft agenda for the Board of Directors/Board Officers Retreat scheduled for Wednesday, May 29, 2024 at 9:00 a.m. [24-210](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 7.H. Consider approving the creation of a limited-purpose General Counsel Executive Recruitment Committee. [24-225](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary
Shayna van Hoften, Interim General Counsel/Chief Legal Officer

- 7.I. Announcement of appointments to the Limited-Purpose General Counsel Executive Recruitment Committee. [24-233](#)

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))

Howard v. AC Transit, WCAB Case Nos. ADJ7644015, ADJ7644013, ADJ3074104, ADJ960966

8.B. Conference with Legal Counsel – Potential Litigation

Significant exposure to litigation pursuant to subdivision (b) 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. Public Employee Appointment

(Government Code Section 54957(c))

Title: General Counsel

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.

[24-061d](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

10. GENERAL MANAGER'S REPORT

- 10.A. General Manager's Report for March 27, 2024.

[24-016d](#)

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

12. ADJOURNMENT

Next Meeting: April 10, 2024 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.

Accessible Public Meetings/Alternative Formats/Interpreters: Meetings of the Board of Directors are accessible to individuals in wheelchairs. The Board Room is equipped with Assistive Listening Devices for individuals with a hearing impairment. Written materials in appropriate alternative formats and disability-related modification/accommodations must be made three business days in advance of the meeting or hearing 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. AC Transit's General Offices are accessible by various bus lines serving the intersection of 17th Street and Broadway. For trip planning visit www.actransit.org or call 511 (and say, "AC Transit"). The nearest accessible BART station is the 19th Street Station in Oakland.

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.