



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, 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

1. CALL TO ORDER

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, March 27, 2024, at 5:00 p.m.

Prior to the start of the meeting, Interim General Counsel Shayna van Hoften confirmed that all requirements of the Ralph M. Brown Act (Govt. Code Sections 54950, et seq.) and the provisions of Board Policy 101, Section 4.9 regarding teleconferenced meetings were met in order for Director Peeples to participate in the meeting and advised that all votes must be taken by roll call vote.

The meeting was called to order at 4:17 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 8A-8D as listed on the agenda. Closed Session concluded at 4:28 p.m.

President Young called the Board of Directors meeting to order at 5:00 p.m.

2. ROLL CALL

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

3. PRESENTATION

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

Staff Contact:

Steve Palmer, Vice President - Van Scoyoc Associates

Steve Palmer of Van Scoyoc Associates presented a summary report on the federal legislative agenda for 2024 and transit-related programs and implications.

Public Comment:

Carter Lavin, Transbay Coalition, noted that House Resolution 7039, the “Stronger Communities through Better Transit Act”, would annually provide \$1 Billion in funding for Transit Agency Operations within Oakland and San Francisco. Lavin commented on the opportunity presented to AC Transit to get this into the 5-year re-authorization bill and asked AC Transit to support HR 7039.

The report was presented for information only.

4. PUBLIC COMMENT

Brian Culbertson cited ongoing accidents and fatalities related to speeding vehicles on International Boulevard and asked the Board to take steps to stop speeding vehicles. Culbertson noted the Quick Build project to add bus lane delineation and the High Street speed cushions as probable immediate solutions to address this issue.

5. MODIFICATIONS TO THE AGENDA

Agenda item 6.G. was removed from the agenda and will be scheduled for the April 10th Board of Directors meeting. Later in the meeting, in the interest of time, agenda items 7.D., 7.E. and 7.F. were removed and scheduled for the April 10th meeting.

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

MOTION: SHAW/McCALLEY to receive or approve the items on the Consent Calendar as indicated, with the exception of Item 6.B. (Board Policy 155) which was pulled off the Consent Calendar by Director Walsh, Item 6.L (Tempo platform video) which was pulled off the Consent Calendar by Directors McCalley and Peeples, and Item 6.M. (contract extension with Messer) which was pulled off the Consent Calendar by Director Peeples. The motion carried by the following vote:

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

- 6.A.** Consider approving Board of Directors meeting minutes of March 13, 2024. [24-024](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: SHAW/McCALLEY to approve the Board of Directors meeting minutes of March 13, 2024. The motion carried by the following vote:

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

- 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

[Written comment and additional information, including an amendment to the policy proposed by Director Walsh concerning travel reports were provided to the Board prior to the meeting and are incorporated into the file by reference.]

The item was pulled off the Consent Calendar by Director Walsh for discussion.

Public Comment:

Damien Park, Alameda County Transportation Commission Independent Watchdog Committee, recommended the Board consider the increase for hotel rates rather than the 2007-present Consumer Price Index as a measure for determining how much to increase Board Member Travel allowances. Park requested the Board make better use of its travel funds and recommended the Board adopt an 80% subsidy for travel.

Director Walsh offered an amendment that would eliminate mileage reimbursement to Board meetings. Director Syed suggested that the Board reduce the travel budget. There was no support for either proposal.

MOTION: YOUNG/SHAW to amend Board Policy 155 to address clerical errors when making travel arrangements, require Boardmembers to provide written reports to the Board no later than 30 days upon return from a conference, and increase each Boardmember's travel allotment by 20%. The motion carried by the following vote:

Ayes: YOUNG, SHAW, BECKLES, PEEPLES

Nayes: WALSH, SYED, MCCALLEY

PEEPLES/SHAW to increase the Board President's travel budget to \$3,000 every six months. The motion carried by the following vote:

Ayes: YOUNG, SHAW, MCCALLEY, PEEPLES

Nayes: BECKLES, WALSH, SYED

- 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

MOTION: SHAW/McCALLEY to approve 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". The motion carried by the following vote:

Ayes: YOUNG, SHAW, BECKLES, WALSH, SYED, MCCALLEY, PEEPLES

- 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

MOTION: SHAW/McCALLEY to approve the guidelines and process for reimbursement of travel expenses associated with the General Counsel/Chief Legal Officer Recruitment process. The motion carried by the following vote:

Ayes: YOUNG, SHAW, BECKLES, WALSH, SYED, MCCALLEY, PEEPLES

- 6.E.** Consider receiving the Quarterly budget update for the period of July [24-129](#)

2023 through the end of December 2023 of FY 2023-24.

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: SHAW/McCALLEY to receive the Quarterly budget update for the period of July 2023 through the end of December 2023 of FY 2023-24. The motion carried by the following vote:

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

- 6.F.** Consider receiving the Monthly Report on Investments for November, December, and January. [24-222](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: SHAW/McCALLEY to receive the Monthly Report on Investments for November, December, and January. The motion carried by the following vote:

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

- 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

This agenda item was removed from the agenda and scheduled for the April 10, 2024 Board of Directors meeting.

- 6.H.** Consider review of Board Policy 316 - Debt Management Policy, with no recommended amendments. [24-166](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: SHAW/McCALLEY to approve a review of Board Policy 316 - Debt Management Policy, with no recommended amendments. The motion carried by the following vote:

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

- 6.I.** Consider a review of Board Policy 349, Investment Policy, with no recommended amendments. [24-184](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: SHAW/McCALLEY to approve a review of Board Policy 349, Investment Policy, with no recommended amendments. The motion carried by the following vote:

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

MOTION: SHAW/McCALLEY to authorize the General Manager to execute a contract with Mohawk Lifts, LLC, to purchase three sets of portable bus lifts. The motion carried by the following vote:

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

MOTION: SHAW/McCALLEY to approve 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. The motion carried by the following vote:

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

At the request of Director Peeples, this agenda item was pulled off the Consent Calendar. Internal Audit Manager Alan Parello addressed the Board's questions.

Public Comment:

Tracy Rosenberg, Oakland Privacy, commented on a public records request made by the Oakland Observer about law enforcement requests for TEMPO platform video content. Rosenberg noted that the necessary paperwork pursuant to the privacy policy was followed only 50 percent of the time and asked the Board to annually report an audit of these reported requests at a Board Meeting and to act to significantly improve the compliance rate.

MOTION: SHAW/McCALLEY to receive the report and direct staff to provide an annual

report identifying all Tempo Platform video/data requests made from outside law enforcement agencies, with an interim report due to the Board in six months. The motion carried by the following vote:

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

- 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

At the request of Director Peeples, this agenda item was pulled of the Consent Calendar. Chief Operating Officer Sal Llamas addressed the Board's questions. There was no public comment offered.

MOTION: PEEPLES/McCALLEY to authorize 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. The motion carried by the following vote:

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

- 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

MOTION: SHAW/McCALLEY to approve minor amendments to Board Policy No. 480 Safety Management Systems Policy. The motion carried by the following vote:

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

- 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

MOTION: SHAW/McCALLEY to receive a report summarizing the new and revised classification specifications presented during the calendar year 2023. The motion carried by the following vote:

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

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

External Affairs Representative Steven Jones presented the staff report.

Public Comment:

Laurel Paget-Seekins, Public Advocates, commented on SB 1031 and requested that AC Transit support the bill.

Anthony requested that AC Transit support SB 960 and AB 1031 and commented on the need for public agency advocacy for this legislation.

MOTION: SHAW/PEEPLES to receive the Monthly Legislative Report and approving legislative positions. The motion carried by the following vote:

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

- 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

Project Manager Michelle Schurig introduced Alysia Snell of Lake Research Partners, who presented the report. There were no public comments offered.

MOTION: BECKLES/WALSH to receive the report of findings from AC Transit's first customer satisfaction survey. The motion carried by the following vote:

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

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

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

Chief Financial Officer Chris Andrichak presented the staff report.

Public Comment:

Jesse Gunn, Hayward Teacher and Ward 6 candidate, commented against fare increases, adding it does not address the issues about ridership. Gunn commented on strategies, emphasizing a focus on increasing ridership and investing in enhancing the rider experience. Gunn added agreement for fare caps but cautioned its impact to riders with limited budgets.

Laurel Paget-Seekins commented how raising fares is a daunting task for Board members and that current reported information may still be inadequate. Paget-Seekins noted that riders are more interested how fare increases affect their lives and not about how many fare deferrals have previously been made and raising bus fares will force some riders to cut costs elsewhere. Paget-Seekins suggested the Board take advantage of discussions on Clipper 2 to analyze and develop a better fare policy.

Brian Culbertson noted how the District's transit fare would compare with other Bay Area transit agencies following a fare increase, adding how other Bay Area transit agencies are focusing on lowering transit fares. Culbertson commented on how current District revenue reporting shows increasing fare revenues due to ridership increases, and suggested the Board hold off on fare increases for two years.

Carter Lavin, Transbay Coalition, noted that a fare increase would be the opposite action to other Bay Area transit agencies. Lavin disagreed with the notion that customers will pay whatever you charge, and that riders will leave the system for other modes of transit. Lavin added that implementing a fare increase at a time the District has a \$56 million budget surplus is unnecessary.

Sam Greenberg opposes a fare increase and that increases in revenue will occur with the continued increasing pace in ridership. Greenberg commented that the number one priority should be to continue to grow ridership and a fare increase would negatively impact the poorest community of transit riders.

Anthony suggested that the Board hold off on any decision to raise fares until June 2024 as the Board approaches upcoming reporting of Clipper 2. Anthony requested a holistic review of the fare increases involving rider feedback.

Joshua Gunter, Transbay Coalition, commented on a community coalition letter submitted to the Board addressing the fare increase and listed the agencies who signed onto this letter who request the Board to reject the proposed fare increase and ensure that transit is accessible and affordable to all.

Ren Fitzgerald urged the Board to reject a fare increase and instead focus on increasing ridership and improving the rider experience.

Dave Lyons reflected on the stress to bus operators following a fare increase. Lyons noted that ridership will decrease following a fare increase.

Vallery Lancey commented on peer transit agencies that are prioritizing ridership which offers more leverage for pursuing funding sources in lieu of fare increases. Lancey addressed the ease by which riders can switch to cars when they're faced with rising fares and noted that a fare increase will not significantly impact the issues with the fiscal cliff in an impactful way.

Raul Maldonado commented that the time is not right for this fare increase.

MOTION: YOUNG/SHAW to adopt Resolution 24-009, Option 2.

AMENDED MOTION: PEEPLES/SYED to adopt Resolution 24-009, with a revised Section 1, Option 2 to read: " The local and Transbay fare increases previously deferred and now scheduled for July 1, 2024 and July 1, 2025 are to be deferred for at least one additional year to July 1, 2025 and July 1, 2026. Direct staff to return to the Board in 3-6 months with a timeline for revising/re-evaluating fare pricing. The motion carried by the following vote:

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

Nays: SHAW

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

The item was continued to the April 10, 2024 Board meeting.

- 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

The item was continued to the April 10, 2024 Board meeting.

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

The item was continued to the April 10, 2024 Board meeting.

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

Board Administrative Officer/District Secretary Linda Nemeroff presented the items that would be discussed at the Board Retreat. No public comment was offered.

MOTION: PEEPLES/SYED to approve the draft agenda for the Board of Directors/Board Officers Retreat scheduled for Wednesday, May 29, 2024 at 9:00 a.m. The motion carried by the following vote:

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

- 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

There was no presentation of the staff report. No public comment was offered.

MOTION: PEEPLES/BECKLES to approve the creation of a limited-purpose General Counsel Executive Recruitment Committee. The motion carried by the following vote:

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

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

Presenter:

President Young

President Young announced the appointment of Director Peeples, Director McCalley and himself to the Limited-Purpose General Counsel Executive Search Committee.

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.

Interim General Counsel/Chief Legal Officer Shayna van Hoften reported out on the following:

MOTION: PEEPLES/MCCALLEY to approve settlement in the amount of \$103,189.91 in the matter of Howard v. AC Transit, WCAB Case Nos. ADJ7644015, ADJ7644013, ADJ3074104, ADJ960966. The motion carried by the following vote:

Ayes: PEEPLES, MCCALLEY, BECKLES, WALSH, SYED, SHAW, YOUNG

In addition, the Interim General Counsel reported on the selection Bob Murray & Associates to carry out the search for a permanent General Counsel/Chief Legal Officer.

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

9.A. Review of Agenda Planning Pending List. [24-061d](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

There were no new items added to Agenda Planning.

10. GENERAL MANAGER'S REPORT

10.A. General Manager's Report for March 27, 2024. [24-016d](#)

The report was presented for information only.

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

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

12. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 8:42 p.m. The next meeting of the Board is scheduled for April 10, 2024 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary