



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

CLOSED SESSION 2:30 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

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

Wednesday, December 13, 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

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. 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.

4. MODIFICATIONS TO THE AGENDA**5. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)**

- 5.A. Consider approving Board of Directors meeting minutes of December 1, 2023. [23-539](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 5.B. Consider authorizing the General Manager to execute a single source contract with Prophix Software, Inc., to provide continued services and technical support for the District's budget system for a term of five (5) years. [23-526](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 5.C. Consider adoption of Resolutions 23-043 and 23-044 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for the FY 2022-23 Transit Performance Initiative - Investment (TPI-Investment) grant program for the Foothill Corridor Planning Study and MacDonald Transit Signal Priority (TSP) Project. [23-541](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 5.D. Consider adoption of Resolution No. 23-045 authorizing the General Manager, or his designee, to file and execute applications and funding/contract agreements with the Volkswagen Environmental Mitigation Trust Fund for the purchases of zero-emission transit buses. [23-548](#)

Staff Contact:
Chris Andrichak, Chief Financial Officer

- 5.E. Consider adoption of Resolutions Nos. 23-047 and 23-048 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Alameda County Transportation Commission (ACTC) for the 2024 Comprehensive Investment Plan (CIP) for the Fruitvale Corridor Transit Signal Priority (TSP) and High Priority Bus Improvements Projects. [23-557](#)

Staff Contact:
Chris Andrichak, Chief Financial Officer

- 5.F. Consider authorizing the General Manager to execute an agreement with the Bay Area Rapid Transit District (BART) to provide bus bridge services in response to the scheduled track maintenance and BART station closures from 2024 to 2026. [23-558](#)

Staff Contact:
Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 5.G. Consider approving amendments to Board Policy 207, including a change in the title of the policy from Equal Employment Opportunity and Affirmative Action Policy to Equal Employment Opportunity (BP 207). [23-560](#)

Staff Contact:
Lynette Little, Director of Civil Rights & Compliance

- 5.H. Consider receiving the Quarterly Customer Services Update for the first quarter, FY2024 [23-523](#)

Staff Contact:
Beverly Greene, Executive Director of External Affairs, Marketing & Communications

- 5.I. Consider receiving the Monthly Legislative Report. [23-579](#)

Staff Contact:

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

- 5.J. Consider authorizing the General Manager to enter into contracts and approve annual renewal rates for Kaiser Permanente, Health Net, Vision Service Plan, MetLife Dental and Standard Life Insurance. [23-542](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

6. REGULAR CALENDAR

Planning Items - Chair Syed

- 6.A. Consider receiving a status update on Realign, including an overview of Phase 3 input received to date and next steps, and provide direction to staff as needed. [23-250e](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering
Beverly Greene, Executive Director of External Affairs, Marketing & Communications

External Affairs Items - Chair Peeples

- 6.B. Consider approving appointment of AC Transit's Representative to the Alameda County Transportation Commission's (ACTC) Paratransit Advisory and Planning Committee (PAPCO). [23-464a](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Finance and Audit Items - Chair McCalley

- 6.C. Consider receiving a report from the District Parcel Tax Fiscal Oversight Committee on Measure VV/C1 tax proceeds for the year ended June 30, 2023. [23-495](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 6.D. Consider receiving the Year-End Financial Statements and Independent Auditor's Report for the Fiscal Year Ended June 30, 2023. [23-522](#)

Staff Contact:
Chris Andrichak, Chief Financial Officer

Operations Items - Chair Shaw

- 6.E. Consider receiving the FY 2023-24 First Quarter Protective Services Report. [23-573](#)

Staff Contact:
Michael Hursh, General Manager/Chief Executive Officer

Board Administrative Matters - President Young

- 6.F. Consider the adoption of either Ordinance 20 (Evergreen) or Ordinance 20 (Jade) establishing a seven-ward election system, including one option for the sequencing of elections beginning with the November 2024 Statewide General Election pursuant to Elections Code Section 10010; and waive the second reading of the selected ordinance. [23-391g](#)

Staff Contact:
Linda A. Nemeroff, Board Administrative Officer/District Secretary
Jill A. Sprague, General Counsel/Chief Legal Officer

- 6.G. Announcement of appointments to the Nominating Committee for the selection of President and Vice President of the Board for 2024. (Verbal) [23-531](#)

Presenter:
President Young

7. 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.

7.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

- Kendall Tanouye v. Mary Louise Walker, an individual; Alameda Contra Costa Transit District, et al., ACSC Case No. RG21113835

- Johnson v. AC Transit, WCAB Case Nos. ADJ8588291, ADJ11334992, ADJ11315394, ADJ12140892, ADJ12140993, ADJ16421158

7.B. Conference with Legal Counsel – Potential Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Two 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. Conference with Labor Negotiator

(Government Code Section 54957.6)

Agency Designated Representatives: Joel Young, Board President and Nelson A. Fialho, Executive Director, Renne Public Management Group (RPMG)

Title: General Manager, General Counsel, District Secretary, Interim General Counsel

8. 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.

- 8.A. Review of Agenda Planning Pending List and Agenda Planning Request [23-028t](#)
Form submitted by Director Walsh.

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

9. GENERAL MANAGER’S REPORT

- 9.A. General Manager’s Report for December 13, 2023. [23-029t](#)

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: January 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.