



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 2:45 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

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

1. CALL TO ORDER

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, December 13, 2023, at 5:00 p.m.

The meeting was called to order at 2:30 p.m. for the purpose of Closed Session. All Board members were present, with the exception of Director Beckles who arrived at 2:38 p.m., Director Syed who arrived at 2:37 p.m. and Director Walsh who arrived at 2:45 p.m. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:44 p.m.

President Young called the Board of Directors meeting to order at 5:01 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT

Quella Thompson commented on an employment matter with the District.

Nathaniel Arnold commented that AC Transit management and staff work together to improve working conditions at AC Transit.

Bob Finebaum requested that ridership numbers be made available to the public and suggested that the District seek funding from the Metropolitan Transportation Commission to promote Clipper usage on the Tempo line.

4. MODIFICATIONS TO THE AGENDA

Agenda item 5. B. (Prophix contract award) was removed from the Agenda and will be scheduled for a future meeting of the Board of Directors.

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

There was no public comment on the Consent Calendar.

MOTION: McCALLEY/SYED to receive, approve or adopt the items on the consent Calendar as indicated, except item 5.B. which was removed for future consideration. The motion carried by the following vote:

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

5.A. Consider approving Board of Directors meeting minutes of December 1, 2023.

[23-539](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: McCALLEY/SYED to approve Board of Directors meeting minutes of December 1, 2023. The motion carried by the following vote:

- Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES
- 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
- This item was removed from the agenda and will be scheduled for a future meeting.
- 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
- MOTION: McCALLEY/SYED to adopt 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. The motion carried by the following vote:
- Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES
- 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
- MOTION: McCALLEY/SYED to adopt 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. The motion carried by the following vote:
- Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES
- 5.E.** Consider adoption of Resolution 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 **23-557**
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Commission (ACTC) for the 2024 Comprehensive Investment Plan (CIP) for the Fruitvale Corridor Transit Signal Priority (TSP) and High Priority Bus Improvements Projects.

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/SYED to adopt Resolution 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.

The motion carried by the following vote:

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

- 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

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

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

- 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

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

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

- 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

MOTION: McCALLEY/SYED to receive the Quarterly Customer Services Update for the first quarter, FY2024. The motion carried by the following vote:

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

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

Staff Contact:

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

MOTION: McCALLEY/SYED to receive the Monthly Legislative Report. The motion carried by the following vote:

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

- 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

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

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

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

Service Planning Manager Michael Eshleman and External Affairs Representative Diann Castleberry presented the staff report.

Public Comment:

Public speakers expressed their views and reasons to the Board why consideration

toward staffing the "micro transit" pilot in the Realign plan should not utilize the option of outsourcing staffing to non-union labor over utilizing the District's own ATU membership. Additionally, public speakers expressed concerns about operator safety, inadequate break time, and other quality of life issues. These speakers included:

James Jackson, ATU 192 Assistant Business Transportation,

Jack Watkins, D4 bus operator,

Dori Goldberg, adding a comment that the 72R not be discontinued.

Arielle Hernandez, Peoples Transit Alliance, adding that any micro transit service be ADA-accessible and have booking accessibility and/or fare payment without need of a mobile device or credit card. Hernandez also urged the Board to keep the 72R bus line.

Laurel Paget-Seekins, adding that the visionary network should follow the revision of the service standards.

M. Lancaster, Bus Operator, adding emphasis to review of operator runtime.

Josi Aherns, Peoples Transit Alliance,

Lupin Miller, D2 Bus Operator,

Sara Ropati, D3 Bus Operator,

Dylan F., and the Board should adopt the Reliability improvements and hold approval until 2025.

Linda Mohammad, D4 Operator,

Rachel Ripoti, D4 Bus Operator.

Alfred Twu commented that service reliability needs to be the primary focus of the District and that schedules need to offer adequate break times for operators to promote lower burnout and operator safety. Twu opposed combining the 51-bus line and opposed non-ATU staffing of the micro transit project.

Sultana Adams, D3 Operator, commented that addressing inadequate runtime and breaktime problems, which are operating at the mandated minimums, must be addressed during the Realign process. Adams opposed non-ATU staffing of the micro transit project.

Lindsay Banacek commented on the benefits of supporting the merging of the 51-bus lines.

Bob Feinbaum referenced his submission of comments on three planned Realign proposals: Keep Line 21, Extend Line 6 to Oakland AMTRAK, and Terminate Line 40 at Eastmont Transit Center.

Anthony noted that Realign Survey is missing 'ridership by route, ridership by day, and ridership by route segment' data and explained why having this information in future reporting is essential to future planning, extending the Realign process if necessary.

Gerald Coughlin commented on what improvements are needed to the Realign plan, addressing Frequency, reliability, gradual route changing, and review of commonality of performance of your best 4 or 5 routes when developing your plans.

Pat Piras commented that analysis includes information from Paratransit.

Sheila Gunn commented similar riders like her will use paratransit often. Gunn expressed supports micro transit staffed by ATU workers.

Dave Lyons expressed agreement of the reunification of the 51-bus line and hoped

management can address adjusting bus routes to prevent bunching.

Brian Culbertson commented that the public data has been inadequate to provide good analysis of the different realign scenarios and presented notes on essential data for the realign project.

Richard Marcantonio, Public Advocates, commented that on-time reliability issues be the primary issues addressed in this process. Marcantonio expressed support to staff recommendation addressing time extensions but noted a lack of discussion about the Flex pilot as related to the micro transit matter.

Dureal Brown, D6 bus Operator, commented the chaotic runtime scheduling presented to Bus Operators.

Elijah Burckins presented bus service ideas associated with Realign and expressed support to ATU bus operators.

Adina Levin, Seamless Bay Area, commented that the Realign scheduling adjustments should precede fleshing out the Visionary Network standards. Levin added comments related to a joint agency letter sent to the District urging it to seek aide from the MTC if service levels on some lines cannot be met on certain bus lines.

George Spies commented on what the District needs to do toward reaching service goals and provide excellent service.

David Vartanoff commented on bus service on the 51 and 72R and the use of Line 6

David Sorrell, Transportation Demand Management Administrator, UC Berkeley, commented on many Realign service planning issues as it pertains to University of California students and staff.

Jane Kramer commented on the need for reliable data and on change agents.

Joe Berry, PTA, EB-DSA, rejects that idea that cutting service and/or staff is not the solution. Berry added his support for Union labor.

Michelle Rousey asked the board to keep the needs of disabled and senior passengers in mind with Realign.

Kass Bacon expressed opposition to the cancellation of the 72R line and offered support to the ATU workers.

Warren Cushman noted the special needs of riders with disabilities and for support for bus operators. Cushman added his opposition to any plan to cut service to unincorporated areas of Alameda County.

Jason expressed support for more consistent and more frequent service on San Pablo Ave corridor. Jason added additional comments regarding other bus lines reported in Realign and opposed any service cuts.

Wendy Caesar opposed bus service cutting because it will force other buses on the line to speed up in order to keep consistent scheduling.

MOTION: SYED/PEEPLES to receive report and support the alternative proposal to extend the timeline and direct staff to report back on revised milestones for implementation.

SUBSTITUTE MOTION: SHAW/WALSH to receive the report without further direction to staff. The motion carried by the following vote:

Ayes: YOUNG, SHAW, WALSH, McCALLEY

Nays: BECKLES, SYED, PEEPLES

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

Board Administrative Officer/District Secretary Linda Nemeroff presented the staff report. There was no public comment offered.

MOTION: SHAW/YOUNG to approve appointment of Arun Mital as AC Transit's Representative to the Alameda County Transportation Commission's (ACTC) Paratransit Advisory and Planning Committee (PAPCO). The motion carried by the following vote:

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

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

Chief Financial Officer Chris Andrichak presented the staff report. There were no public comments offered.

MOTION: PEEPLES/YOUNG to receiving a report from the District Parcel Tax Fiscal Oversight Committee on Measure VV/C1 tax proceeds for the year ended June 30, 2023. The motion carried by the following vote:

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

- 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

Chief Financial Officer Chris Andrichak presented the staff report. There were no public comments offered.

MOTION: SHAW/PEEPLES to receiving the Year-End Financial Statements and

Independent Auditor's Report for the Fiscal Year Ended June 30, 2023. The motion carried by the following vote:

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

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

[A document entitled "Protective Services Metrics and Descriptions" was provided at the meeting for the Board's information.]

Director of Safety, Security and Training Marla Blagg presented the staff report.

Public Comment:

Cherryland Community Association (Michael Freed) reiterated the concerns of community members addressing safety assurances for passengers and operators.

MOTION: PEEPLES/McCALLEY to the FY 2023-24 First Quarter Protective Services Report. The motion carried by the following vote:

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

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

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

General Counsel Jill Sprague presented the staff report.

Public Comment:

George Spies commented that the redistricting process will better comply with the California Voting Rights Act and enable all communities to be fairly represented on the AC Transit Board. Spies added that the Board should adopt the redistricting proposal

with a sequencing that includes Ward 2's continued representation because Ward 2 contains the highest ridership bus lines and should have continuous representation on the Board to address these concerns. Spies also noted the support of many public officials and agencies for a redistricting proposal which includes Wards 1, 2, and 6 in 2024.

John Minot expressed strong support for the sequencing option for Wards 1, 2, and 6 in 2024, agreeing with previously stated concerns that the riders of these wards would suffer the most without continuous representation on the Board. Minot agreed with staff's reporting that a proposal which includes Wards 1,2, and 6 is best option that considers promotion of the new District 6 while minimizing the deferral of ward representation by over 200,000 people while the alternative option would force a greater number of riders to be without representation for a longer period of time.

Alfred Twu called on the Board to approve the option which puts Ward 2 in the 2024 election sequence because of the high number of bus riders represented in Ward 2 and its need for continuous Board representation. Twu commented on the Asian American electorate and their impact and turnout in a presidential election year which, in turn, provides for greater Asian American representation at the election polls.

Jonathan Sing, who noted supporting comments provided by previous public speakers, asked the Board to support the option that would prioritize Ward 2 for the 2024 election. Sing added that the Ward 2 city of Emeryville has been adding more jobs and housing within the District, emphasizing the need for greater Board representation.

Paul Bickmore expressed support for the option that would prioritize Ward 2 voters for the 2024 election. Bickmore noted the ridership density of Ward 2 is the District's largest.

Brian Culbertson expressed support for the option that would give Ward 2 voters continuous Board representation, saying that the option defers the fewest number of voters during the upcoming election years.

Anthony expressed a preference for the option that would prioritize Ward 2 for the 2024 election, saying that this option minimizes the greatest voter deferrals to be impacted by this redistricting process and reduces the legal exposure for the District due to non-compliance with the goals of the California Voting Rights Act.

Nick Pilch expressed a preference for a Ward 2 Board representative election in 2024, including reasons why the Board should approve which was detailed in a written comment submission.

Sheela Gunn asked the Board to approve the option for Wards 1,2, and 6 to vote in 2024.

Pat Piras noted that Asian candidates in the South County region (future Ward 7) of the District have been more interested in BART than AC Transit. Piras commented that the Ward 2 representative should not have to wait an extra 2 years to 2026 before regaining Board representation. Piras urged the Board to adopt option 2 because it would be the less disruptive redistricting option and applauded the Board for having the vision to update its Board representation practice.

Sam expressed support for Wards 1,2, and 6 in 2024 because it would be the option that would disenfranchise the fewest voters and Ward 2 has the densest bus ridership.

Cherryland Community Assn noted personal redistricting work on the county level and

expressed support for option B because it satisfies a lot of the issues.

Warren Cushman noted that the redistricting process is difficult due to challenges such as balancing various rider equities. Cushman expressed support for the approval of the sequence featuring Wards 1, 2, and 6 in 2024.

MOTION: SHAW/SYED to adopt Ordinance 20 (Jade) establishing a seven-ward election system, including the option that sequences wards 1,2 and 6 in the November 2024 Statewide General Election pursuant to Elections Code Section 10010; and waive the second reading of the ordinance. The motion carried by the following vote:

Ayes: SHAW, BECKLES, WALSH, SYED, McCALLEY

Nays: YOUNG, PEEPLES

- 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

President Young announced the appointment of Vice President Shaw, Director Peeples, and Director McCalley to the Nominating Committee.

7. CLOSED SESSION/REPORT OUT

General Counsel Jill Sprague reported out on the following:

MOTION: McCALLEY/PEEPLES to approve settlement in the amount of \$120,000 les permanent disability advances, in the matter of Johnson v. AC Transit, WCAB Case Nos. ADJ8588291, ADJ11334992, ADJ11315394, ADJ12140892, ADJ12140993, ADJ16421158. The motion carried by the following vote:

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

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

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

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

Director Walsh's Agenda Planning Request was accepted with the modification that it be limited to an update on the AC Transit/City of Oakland International Boulevard Quick Strike Project.

Public Comment:

George Spies requested that the Board advance the Agenda Planning Request submitted by Director Walsh.

9. GENERAL MANAGER'S REPORT

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

The report was presented for information only.

10. 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.

11. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned

at 8:44 p.m. The next meeting of the Board is scheduled for January 10, 2024 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary