



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

### **MINUTES**

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

CLOSED SESSION 3:15 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, June 28, 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, June 28, 2023, at 5:00 p.m.

The meeting was called to order at 3:15 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:31 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. PUBLIC COMMENT**

**Ms. Fowles** requested that Line 80 be restored to its route and full capacity.

**Robert Coleman, President of ATU Local 192 (with James Jackson, Business Agent)**, asked that District management respect the Union's right to bargain the drug and alcohol policy as a term and condition of employment.

**Quella Thompson, President of AFSCME Local 3915**, requested that the District's representatives fairly negotiate the drug and alcohol policy with AFSCME and ATU as required by collective bargaining.

**Kuan Butts, Traffic Violence Rapid Response**, requested that AC Transit review a report at [www.OakRapidResponse.org/International](http://www.OakRapidResponse.org/International) that analyzes vehicle data on International Boulevard during the time frame of 2020 to 2022 which purportedly showed that speeds of vehicles had increased by 25% following the implementation of the Tempo service. Butts also asked that the previously approved physical separation barriers be implemented on the route.

**Caleb Jones, Traffic Violence Rapid Response**, requested concrete barriers to separate bus and car lanes on International Boulevard.

**Anwar Baroudi, Traffic Violence Rapid Response**, requested AC Transit keep the pedestrian experience in mind when considering street redesign.

**George Spies, Traffic Violence Rapid Response**, commented on traffic deaths in Oakland, believing that faster bus travel leads to faster car travel and requested that AC Transit support traffic calming and pedestrian safety.

**Jane Kramer** complained about the cold temperature on the bus and suggested providing bus operators with inexpensive fan designated to driver area.

**Josh Beth** requested that discounted, low-income Clipper Cards be more widely accessible and advertised.

**Natalie Mall** requested street redesign planning be more proactive and requested that the matter be discussed at a future meeting in order to reduce traffic deaths.

**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 offered on the Consent Calendar.

MOTION: PEEPLES/BECKLES, to receive, approve or adopt the items on the Consent Calendar as indicated, with the exception of Item 5.I. 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

**5.A.** Consider approving Board of Directors minutes of June 14, 2023. [23-105](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/BECKLES to approve Board of Directors minutes of June 14, 2023.

The motion carried by the following vote:

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

**5.B.** Consider adoption of Board Policy 703 - Assessing and Waiving Fines for the Late Filing of a Statement of Economic Interest (Form 700). [23-251](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/BECKLES to adopt Board Policy 703 - Assessing and Waiving Fines for the Late Filing of a Statement of Economic Interest (Form 700). The motion carried by the following vote:

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

**5.C.** Consider authorizing the General Manager to execute a contract with Gillig LLC of Livermore, California, to purchase Driver Protective Barriers. [23-297](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: PEEPLES/BECKLES to authorize the General Manager to execute a contract with Gillig LLC of Livermore, California, to purchase Driver Protective Barriers. The motion carried by the following vote:

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

**5.D.** Consider authorizing the General Manager to execute an amendment to Contract 2020-1480 with VSCE for Construction Management (CM) Services associated with the Rapid Corridors Project - San Pablo Avenue. [20-204a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/BECKLES to authorize the General Manager to execute an amendment to Contract 2020-1480 with VSCE for Construction Management (CM) Services associated with the Rapid Corridors Project - San Pablo Avenue. The motion carried by the following vote:

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

- 5.E.** Consider receiving the Monthly Report on Investments for April 2023. [23-334](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/BECKLES to receive the Monthly Report on Investments for April 2023. The motion carried by the following vote:

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

- 5.F.** Consider the adoption of Resolution No. 23-028 providing notice of the scheduled adoption of an Appropriations Limit for Fiscal Year 2023-24. [23-326](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/BECKLES to adopt Resolution No. 23-028 providing notice of the scheduled adoption of an Appropriations Limit for Fiscal Year 2023-24. The motion carried by the following vote:

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

- 5.G.** Consider approving minor edits to Board Policy 340 - Accounting Policy. [23-338](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/BECKLES to approve minor edits to Board Policy 340 - Accounting Policy. The motion carried by the following vote:

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

- 5.H.** Consider adoption of Resolution No. 23-026 approving the Metropolitan Transportation Commission Multi-Jurisdictional Hazard Mitigation Plan. [23-317](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/BECKLES to adopt Resolution No. 23-026 approving the Metropolitan Transportation Commission Multi-Jurisdictional Hazard Mitigation Plan. The motion carried by the following vote:

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

- 5.I.** Consider the adoption of Resolution 23-025 authorizing the General Manager to transfer ownership of up to thirteen (13) decommissioned fuel cell buses, their associated surplus parts and materials to Amigos of Costa Rica, in support of Latin America's first fully integrated green hydrogen transportation ecosystem pursuant to Board Policy 461...Body [23-303](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

Item 5.I. was pulled off the Consent Calendar by Director Peeples to comment on the District's fuel cell program in relation to the bus donation. Chief Operating Officer Salvador Llamas commented on staff's work on the donation and introduced the President of Ad Astra Rocket Company, Franklin Chang Diaz, who commented on the success of the program and thanked AC Transit for its support.

MOTION: PEEPLES/SHAW to adopt Resolution 23-025 authorizing the General Manager to transfer ownership of up to thirteen (13) decommissioned fuel cell buses, their associated surplus parts and materials to Amigos of Costa Rica, in support of Latin America's first fully integrated green hydrogen transportation ecosystem pursuant to Board Policy 461. The motion carried by the following vote:

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

## **6. REGULAR CALENDAR**

### **External Affairs Items - Chair Peeples**

- 6.A.** Consider receiving the Monthly Legislative Report and approve legislative positions, if necessary. [23-301](#)

Staff Contact:

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

*[Information regarding SB 532 regarding the Safe, Clean and Reliable Public Transportation Emergency Act was provided for the Board's consideration and is incorporated into the file by reference.]*

External Affairs Representative Steven Jones presented the staff report. There was no public comment offered.

MOTION: SHAW/McCALLEY to approve the staff recommendations, including ratification of a SUPPORT position on SB 532. The motion carried by the following vote:

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

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**Finance and Audit Items - Chair McCalley**

- 6.B.** Consider authorizing the General Manager to bind the District's 2023-2024 Commercial Property Insurance and Deadly Weapons Response insurance programs. [23-345](#)

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

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

MOTION: SHAW/PEEPLS to authorize the General Manager to bind the District's 2023-2024 Commercial Property Insurance and Deadly Weapons Response insurance programs. The motion carried by the following vote:

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

- 6.C.** Consider receiving a report on Tempo Line fare compliance done at the request of the District through the University of California at Berkeley Goldman School of Public Policy Capstone Analytic Project. [Requested by Director Walsh - 9/14/2022] [23-318](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Chief Financial Officer Chris Andrichak presented the staff report. General Manager Hursh advised that staff will present an update in 4 months.

**Public Comment:**

**Josh Beth** requested that the Tempo Line be free and to stop fare enforcement.

MOTION: PEEPLES/YOUNG to receive a report on Tempo Line fare compliance done at the request of the District through the University of California at Berkeley Goldman School of Public Policy Capstone Analytic Project. The motion carried by the following vote:

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

**Planning Items - Chair Syed**

- 6.D.** Consider adopting Resolution 23-029 approving the East Bay Paratransit Consortium (EBPC) Zero-Emission Vehicle (ZEV) Rollout Plan. [23-333](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Accessible Services Manager Mallory Brush presented the staff report. There were no

public comments offered.

MOTION: PEEPLES/SHAW to adopt Resolution 23-029 approving the East Bay Paratransit Consortium (EBPC) Zero-Emission Vehicle (ZEV) Rollout Plan. The motion carried by the following vote:

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

- 6.E.** Consider receiving a report on AC Transit's Zero Emission Bus Program covering capital investments and operational performance for the 2022 calendar year review period. [23-316](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering  
Salvador Llamas, Chief Operating Officer

Director of Business Sciences William Tonis presented the staff report. There were no public comments offered.

MOTION: YOUNG/MCCALLEY to receive a report on AC Transit's Zero Emission Bus Program covering capital investments and operational performance for the 2022 calendar year review period. The motion carried by the following vote:

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

- 6.F.** Consider receiving the monthly update on progress, next steps, and upcoming engagement opportunities associated with Realign - the District's system-wide service planning effort. [23-250b](#)

Staff Contact:

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

External Affairs Representative Diann Castlebery and Service Planning Manager Michael Eshleman presented the staff report. There were no public comments offered.

MOTION: YOUNG/SHAW to receive the monthly update on progress, next steps, and upcoming engagement opportunities associated with Realign - the District's system-wide service planning effort. The motion carried by the following vote:

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

#### **Operations Items - Chair Shaw**

- 6.G.** Introduce and waive the reading of Ordinance No. 19 establishing use of forward-facing cameras on Alameda-Contra Costa Transit District-owned public transit vehicles to issue citations and establish civil penalties for parking violations in transit-only traffic lanes and [23-343](#)

transit stops; and repeal Ordinance 18.

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

Salvador Llamas, Chief Operating Officer

General Council Jill Sprague presented a report.

**Public Comment:**

**Alfred Twu** spoke in support of Ordinance No. 19.

MOTION: PEEPLES/BECKLES to introduce and waive the reading of Ordinance No. 19 establishing use of forward-facing cameras on Alameda-Contra Costa Transit District-owned public transit vehicles to issue citations and establish civil penalties for parking violations in transit-only traffic lanes and transit stops; and repeal Ordinance 18. The motion carried by the following vote:

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

- 6.H.** Consider receiving a report on an audit of the current contract with the Alameda County Sheriff's Office. [Requested by Director Beckles - 2/22/2023]

[23-319](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

*[The Internal Audit report was provided for the Board's consideration and is incorporated into the file by reference.]*

Internal Audit Manager Alan Parello presented the staff report.

**Public Comment:**

**Josh Beth** expressed concern regarding the cost of Alameda County Sheriff's Office contract.

MOTION: YOUNG/PEEPLES to receive a report on an audit of the current contract with the Alameda County Sheriff's Office. The motion carried by the following vote:

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

**Board Administrative Matters - President Young**

- 6.I.** Consider options for amending Board Policy 437 - Vehicle Parking at District Facilities with respect to Board members. [Requested by Director Walsh - 5/22/22]

[23-324](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary



There was no presentation of the staff report. As the requestor of the item, Director Walsh outlined the options available for the Board to consider.

MOTION: YOUNG/BECKLES to approve Option 4 to make no changes to the policy. The motion carried by the following vote:

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

**Nayes:** WALSH

- 6.J.** Announcement of changes in appointments to the Transbay Joint Powers Authority and West Contra Costa Transportation Advisory Committee.

[23-355](#)

Presenter:  
President Young

President Young announced that Director Syed will replace Vice President Shaw on the Transbay Joint Powers Authority. Director McCalley will remain the alternate. In addition, Director Peeples will become the primary representative on the West Contra Costa Transportation Advisory Committee. Director Beckles will become the alternate. These appointments are effective immediately. The District Secretary is to communicate these changes to the respective agencies.

## **7. CLOSED SESSION/REPORT OUT**

General Counsel Jill Sprague reported out on the following:

MOTION: PEEPLES/BECKLES to approve settlement via compromise and release in the amount of \$425,000.00 less permanent disability advances in the amount of \$18,610.75, in the matter of Collins v. AC Transit, WCAB Case No. ADJ12092966, ADJ11360280. The motion carried by the following vote:

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

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

(Government Code Section 54956.9 (a))

Collins v. AC Transit. WCAB Case Nos. ADJ12092966, ADJ11360280

### **7.B. Conference with Legal Counsel – Potential Litigation**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (2cases)

### **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

**8. AGENDA PLANNING**

- 8.A.** Review of Agenda Planning Pending List and Agenda Planning Request Forms. [23-028k](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

There were no new items added to agenda planning.

**9. GENERAL MANAGER'S REPORT**

- 9.A.** General Manager's Report for June 28, 2023. [23-029k](#)

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 attended since the last Board meeting. Director Shaw reported on travel to Spain and Portugal to attend APTA Study Mission.

**11. ADJOURNMENT**

The meeting was adjourned at 7:48 p.m. in memory of Gus Newport, former Mayor of the City of Berkeley, activist, and international promoter of community development. The next meeting of the Board is scheduled for July 12, 2023 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff,

Board Administrative Officer/District Secretary