



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

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

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

Wednesday, April 12, 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

Teleconference Requirements

Members of the Board may attend meetings remotely with notice of their teleconference location published on the agenda or without noticing their meeting location subject to the limited “just cause” and “emergency circumstances” teleconference exceptions under the Brown Act. In order to utilize these exceptions, a quorum of the Board must participate in person from a single physical location within the District, and the member teleconferencing must participate through audio and video technology. In addition, a Board member must publicly disclose at the meeting whether any individuals 18 years of age or older are present in the room at the remote location with the member and their general relationship to the member. The Board may take action on an item not on the agenda to consider a request from a member of the Board to participate in the meeting remotely using the emergency circumstances teleconference exception. If a Board Member(s) teleconferences to a meeting, roll-call votes are required.

Live Public Comment

The public is invited to attend the Board of Directors meeting in person or remotely via Zoom. Live public comment will be accepted during the meeting in person, through Zoom, or the teleconference number listed on the agenda cover page. Zoom participants must use the “raise your hand” feature to indicate they wish to speak on an item. The District Secretary will call each speaker when it is their turn to speak. Use the unmute option when 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.

A live broadcast of the meeting is available online for those who only wish to listen/watch the Board of Directors meeting (and not provide comment). A live audio/video stream is available online at: <https://actransit.legistar.com/Calendar.aspx> [Under the "Audio/Video" column, Click on the "In Progress" link. This can only be done 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 minutes of March 22, 2023.

[23-100](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 5.B. Consider approving Board of Directors Special Meeting minutes of March 22, 2023.

[23-231](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 5.C. Consider authorizing members of the Board of Directors to attend the American Public Transportation Association (APTA) Study Tour in the Framework of the International Association of Public Transport (UITP) 2023 Summit on May 31 to June 3, 2023, in Madrid-Valencia-Barcelona, Spain.

[22-160a](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 5.D. Consider receiving report on Annual Statement of Economic Interest filings.

[23-213](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 5.E. Consider approving minor amendments to Board Policy 424 - Non-Discrimination on the Basis of Disability. [Continued from the February 8, 2023 Board of Directors Meeting] [23-133a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 5.F. Consider authorizing the General Manager to exercise a one-year option to extend AC Transit's Performance Assurance Plan contract for the stationary solid oxide fuel cell (SOFC) system at Seminary Division 4. [11-117c](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

- 5.G. Consider the adoption of Resolution No. 23-018 authorizing the Alameda County Transportation Commission to appropriate \$2 million of the \$10 million dedicated toward College/Broadway Corridor Transit Priority in the Measure BB Transportation Expenditure Plan to the City of Oakland for sole use on construction of District approved transit priority elements under the City's Reconnecting the Town: Safe, Reliable and Equitable Access Project, particularly the construction of the extension of dedicated transit lanes on Broadway to Jack London Square. [23-220](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Chris Andrichak, Chief Financial Officer

- 5.H. Consider authorizing the issuance of a Request for Proposal (RFP) for mobile on-site and after- hours drug and alcohol testing services. [23-230](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

- 5.I. Consider receiving a report on the District's planned service changes associated with the June 2023 Sign-up. [23-228](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

6. REGULAR CALENDAR

Finance and Audit Items - Chair McCalley

- 6.A. Consider authorizing the General Manager to approve and execute the renewal of the District's 2023-2024 Transit Operations Insurance Program under the terms and conditions recommended by Staff. [23-224](#)

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

Operations Items - Chair Shaw

- 6.B. Consider receiving an update on Bus Operator recruitment, hiring and training process. [Requested by Director Walsh - 12/14/2022] [23-155](#)

Staff Contact:

Sebron Flenough III, Executive Director of Human Resources

Planning Items - Chair Syed

- 6.C. Consider receiving a report on a series of service changes for the August 2023 Sign-up that would address concerns from bus operators about runtime and layover, as well as changes in service to close the gap between scheduled service and available operators. [23-233](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.D. Consider receiving a report on existing pilots on Line 60 and Line 78 performance and provide direction on: [23-123a](#)

1. Extending the existing Line 60 Chabot College - South Hayward BART pilot until implementation of the District's network realignment plan.

2. Extending the existing Line 78 Santa Clara Avenue - Seaplane Lagoon Ferry Terminal pilot until implementation of the District's network realignment plan.

3. Whether to implement or defer an extension of existing Line 7 along the Ashby corridor to Emeryville and considering implementation of the service under the District's network realignment plan.

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

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))

Shawn Cooks v. AC Transit; WCAB Case Nos. ADJ006670; ADJ8285977; ADJ9169216

7.B. Conference with Legal Counsel – Potential Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (2 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. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

7.E. Threat to Public Services & Facilities

(Government Code Section 54957(a)):

Consultation with: Ahsan Baig, Chief Information Officer

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 Forms. [23-028f](#)

- Agenda Planning Request - Director Walsh

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for April 12, 2023.

[23-029f](#)

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: April 26, 2023 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.