



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

### **AGENDA**

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

CLOSED SESSION 3:45 PM (see item 9 for details)

HYBRID MEETING

AC Transit General Offices

2nd Floor Board Room - 1600 Franklin Street, Oakland, California

English Phone (669) 900 6833, Webinar ID: 984 8717 5063

Spanish Phone (707) 304-7195, Conference ID: 647 528 554#

Mandarin Phone (707) 304-7195, Conference ID: 983 252 334#

Cantonese Phone (707) 304-7195, Conference ID: 286 412 310#

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

**Wednesday, October 25, 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](mailto: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.

**Language Assistance**

Language assistance for this Public Hearing is available for Spanish and Chinese/Mandarin participants in person and remotely. Zoom participants may access these services by selecting a language when prompted upon joining the meeting. This option may be accessed at any time by tapping the three dots in the lower right-hand portion of the screen.

Participants dialing in by phone:

Spanish Phone Number: (707) 304-7195, Conference ID: 647 528 554#

Mandarin Phone Number: (707) 304-7195, Conference ID: 983 252 334#

Cantonese Phone Number: (707) 304-7195, Conference ID: 286 412 310#

**Asistencia lingüística**

Se ofrece asistencia lingüística para esta audiencia pública a los participantes en español y chino/mandarín en persona y de manera remota. Los participantes en Zoom pueden acceder a estos servicios seleccionando un idioma cuando se les solicite al entrar en la reunión. Se puede acceder a esta opción en cualquier momento tocando los tres puntos de la parte inferior derecha de la pantalla.

Participantes llamando por teléfono:

Número de teléfono para idioma español: (707) 304-7195, ID de la conferencia: 647 528 554#

Número de teléfono para idioma chino: (707) 304-7195, ID de la conferencia: 983 252 334#

**语言协助**

本次听证会将为西班牙语和中文/普通话与会者提供现场和远程语言协助。Zoom 与会者可以在加入会议时根据提示选择一种语言来使用这些服务。点击屏幕右下方的三个点，即可随时访问该选项

通过电话拨入的与会者：

西班牙语电话号码：(707) 304-7195，会议 ID：647 528 554#

普通话电话号码：(707) 304-7195，会议 ID：983 252 334#

粤语电话号码：(707) 304-7195，会议 ID：286 412 310#

**1. CALL TO ORDER****2. ROLL CALL****3. PRESENTATION**

- 3.A. Receive a presentation and consider the adoption of Resolution No. [23-509](#)  
23-041 congratulating the employees of AC Transit for being named  
2023 Outstanding Public Transportation System by the American Public  
Transportation Association (APTA).

Staff Contact:

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

**4. 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.

**5. MODIFICATIONS TO THE AGENDA****6. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)**

- 6.A. Consider approving Board of Directors minutes of September 27, 2023. [23-111](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 6.B. Consider approving Board of Directors minutes of September 29, 2023. [23-485](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 6.C. Consider approving Board of Directors minutes of October 4, 2023. [23-112](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

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- 6.D. Consider a review of Board Policy No. 352- Payment of Expenditures: Signature Authorization with minor updates. [23-451a](#)
- Staff Contact:  
Chris Andrichak, Chief Financial Officer
- 6.E. Consider adoption of Resolution 23-040 authorizing the General Manager, or his designee, to submit a funding allocation request and of project compliance to the Metropolitan Transportation Commission (MTC) for the Regional Measure 3 (RM-3) capital funds. [23-384](#)
- Staff Contact:  
Chris Andrichak, Chief Financial Officer
- 6.F. Consider adoption of Resolution No. 23-039 authorizing the General Manager, or his designee, to file and execute documents for an application for funding assigned to the Metropolitan Transportation Commission (MTC) and committing any necessary matching funds and stating assurance to complete the purchase of ten (10) buses. [23-468](#)
- Staff Contact:  
Chris Andrichak, Chief Financial Officer
- 6.G. Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the period of April 1, 2023 through September 30, 2023. [23-402](#)
- Staff Contact:  
Lynette Little, Director of Civil Rights & Compliance
- 6.H. Consider receiving the Monthly Legislative Report. [23-457](#)
- Staff Contact:  
Beverly Greene, Executive Director of External Affairs, Marketing & Communications
- 6.I. Consider approving the award of a contract to CIC (of Cupertino) for the replacement of the underground storage tanks at the Central Maintenance Facility. [20-467b](#)
- Staff Contact:  
Ramakrishna Pochiraju, Executive Director of Planning & Engineering
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- 6.J. Consider receiving a report on the District’s planned service changes associated with the December 2023 Sign-up. [23-436](#)

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

- 6.K. Consider receiving a report on the status and planned completion of nine (9) operator restrooms at BART stations and the District’s Operator Restroom Program. [Requested by Director Shaw - 7/26/23] [23-435](#)

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

**7. PUBLIC HEARING - 6:00 PM**

- 7.A. Hold Public Hearing to receive feedback on a set of revised draft maps, make any final updates, and determine the final direction on the selection of one map and sequence of elections; and direct the preparation of an ordinance to be introduced at the public hearing scheduled on November 8, 2023, at 6:00 p.m. [23-391e](#)

Staff Contact:  
Linda A. Nemeroff, Board Administrative Officer/District Secretary

Presenters:  
Michael Wagaman, Wagaman Strategies  
Jennifer Nentwig, Tripepi Smith

**8. REGULAR CALENDAR**

**External Affairs Items - Chair Peeples**

- 8.A. Consider receiving a report on the draft 2024 Federal and State Advocacy Programs. [23-420](#)

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

**Planning Items - Chair Syed**

- 8.B. Consider authorizing the General Manager to execute a Cooperative Agreement with the City of El Cerrito and substantially similar agreements with the City of Richmond, City of San Pablo and the City of Emeryville for the design, construction, operation and maintenance of the Rapid Corridors Project. [23-474](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 8.C. Consider receiving the FY 22-23 Annual Ridership and Route Performance Report in accordance with Board Policy 545-Service Standards and Design Policy. [23-452](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

### Operations Items - Chair Shaw

- 8.D. Consider approving the 2023 update of the AC Transit Title VI Program. [23-395a](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

### Board Administrative Matters - President Young

#### 9. 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.

#### 9.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

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

- Marks v. AC Transit, WCAB Case Nos. ADJ8227298, ADJ1538099

#### 9.B. Conference with Legal Counsel – Potential Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Two Cases)

#### 9.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

**9.D. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**10. 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.

10.A. Review of Agenda Planning Pending List and Agenda Planning Request Form submitted by Director Peebles. [23-028r](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

**11. GENERAL MANAGER'S REPORT**

11.A. General Manager's Report for October 25, 2023. [23-029r](#)

**12. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**13. ADJOURNMENT**

Next Meeting: November 1, 2023 at 5:00 p.m. (Special Meeting)

## 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](http://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.