



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 4:00 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, August 9, 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, August 9, 2023, at 5:00 p.m.

Prior to the start of the meeting, the General Counsel confirmed that Vice President Shaw met all the conditions to participate in the meeting remotely under the "Just Cause" exception under the Brown Act and advised that all votes must be taken by roll call vote.

The meeting was called to order at 4:01 p.m. for the purpose of Closed Session. All Board members were present with the exception of President Young who was attending to authorized, official District business, and Director Beckles who used the second and final excused absence for Calendar Year 2023. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. The Closed Session concluded at 4:49 p.m.

Vice President Shaw called the Board of Directors meeting to order at 5:03 p.m.

2. ROLL CALL

Present: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

3. PUBLIC COMMENT

Tom Yamaguchi expressed gratitude to the Board of Directors for restoring bus service to Ashby Avenue and hoped for it to be continued after one year.

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: McCALLEY/PEEPLES, to receive, approve or adopt the items on the Consent Calendar as indicated, with the exception of Item 5.K. which was pulled off the Consent Calendar by Director Walsh. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

5.A. Consider approving revised Board of Directors meeting minutes of May 24, 2023. [23-399](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: McCALLEY/PEEPLES to approve the revised Board of Directors meeting minutes of May 24, 2023. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

- 5.B.** Consider approving Board of Directors minutes of July 26, 2023. [23-108](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

Board Administrative Officer/District Secretary Linda Nemeroff proposed an amendment to the minutes to reflect that an Agenda Planning Request Form submitted by Director Walsh was actually submitted by Director Syed.

MOTION: McCALLEY/PEEPLES to approve Board of Directors minutes of July 26, 2023. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

- 5.C.** Consider receiving the FY 2022-23 Fourth Quarter Travel and Meeting Expense Report for Directors and Board Officers. [23-397](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: McCALLEY/PEEPLES to receive the FY 2022-23 Fourth Quarter Travel and Meeting Expense Report for Directors and Board Officers. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

- 5.D.** Consider receiving the General Manager's Access Committee minutes of June 13, 2023. [23-388](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: McCALLEY/PEEPLES to receive the General Manager's Access Committee minutes of June 13, 2023. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

- 5.E.** Consider the adoption of Resolution No. 23-034 suspending the East Bay Paratransit Consortium's (EBPC) Service Review Advisory [23-393](#)

Committee (SRAC) and direct the General Manager, in conjunction with BART, to establish a committee to advise on East Bay Paratransit service matters.

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: McCALLEY/PEEPLS to adopt Resolution No. 23-034 suspending the East Bay Paratransit Consortium's (EBPC) Service Review Advisory Committee (SRAC) and direct the General Manager, in conjunction with BART, to establish a committee to advise on East Bay Paratransit service matters. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLS

Absent: YOUNG, BECKLES

- 5.F.** Consider receiving the FY 2022-23 Second, Third and Fourth Quarter Employee and None-Employee Out-of-State Travel Report. [23-394](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/PEEPLS to receive the FY 2022-23 Second, Third and Fourth Quarter Employee and None-Employee Out-of-State Travel Report. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLS

Absent: YOUNG, BECKLES

- 5.G.** Consider receiving the Monthly Report on Investments for May 2023. [23-396](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/PEEPLS to receive the Monthly Report on Investments for May 2023. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLS

Absent: YOUNG, BECKLES

- 5.H.** Consider receiving the Fiscal Year (FY) 2022-2023 Surplus and Obsolete Materials Report. [23-377](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/PEEPLS to receive the Fiscal Year (FY) 2022-2023 Surplus and Obsolete Materials Report. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLS

Absent: YOUNG, BECKLES

- 5.I.** Consider receiving a report on the Status of Active Contracts and Spending amounts over \$250,000 for Fiscal Year 2022-2023. [23-378](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/PEEPLES to receive a report on the Status of Active Contracts and Spending amounts over \$250,000 for Fiscal Year 2022-2023. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

- 5.J.** Consider authorizing the General Manager to exercise a one-year option with Service Wear Apparel to provide uniforms for bus operators. [16-057e](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: McCALLEY/PEEPLES to authorize the General Manager to exercise a one-year option with Service Wear Apparel to provide uniforms for bus operators. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

- 5.K.** Consider receiving the Quarterly Report on the District's involvement in external planning processes. [23-376](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Item 5.K. was pulled off the Consent Calendar by Director Walsh for clarifying questions that were addressed by staff.

MOTION: WALSH/PEEPLES to receive the Quarterly Report on the District's involvement in external planning processes. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

6. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 6.A.** Consider receiving a report on the process to transition to a [23-391a](#)

seven-ward election system; and set public hearings on the dates and times outlined in this report to facilitate the process.

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

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

MOTION: SHAW/McCALLEY to receive a report on the process to transition to a seven-ward election system; and approve the proposed public hearings dates and times as outlined in the report to facilitate the process. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

- 6.B.** Consider receiving the Monthly Legislative Report and approving legislative positions, if necessary. [23-389](#)

Staff Contact:

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

External Affairs Representative Steven Jones presented the staff report. There were no public comments offered.

MOTION: McCALLEY/SHAW to receive the Monthly Legislative Report and approving the legislative position to "SUPPORT & SEEK AMENDMENTS" on AB 413 (Lee) regarding unmarked crosswalks. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

- 6.C.** Consider receiving an update on quarterly customer services metrics. [23-390](#)

Staff Contact:

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

Director of Marketing and Communications Nichele Laynes presented the staff report. There were no public comments offered.

MOTION: WALSH/McCALLEY to receive an update on quarterly customer services metrics. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

Operations Items - Chair Shaw

- 6.D.** Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Fourth Quarter of Fiscal Year 22-23. [23-392](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

Director of Maintenance Cecil Blandon presented the staff report. There were no public comments offered.

MOTION: PEEPLES/McCALLEY to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Fourth Quarter of Fiscal Year 22-23. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

- 6.E.** Consider receiving the Protective Services Report for the Fourth Quarter of FY 22-23. [23-365](#)

Staff Contact:

Marla Lee Blagg, Director of Safety, Security & Training

Director of Safety, Security & Training Marla Lee Blagg presented the staff report. There were no public comments offered.

MOTION: PEEPLES/McCALLEY to receive the Protective Services Report for the Fourth Quarter of FY 22-23. The motion carried by the following vote:

Ayes: SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: YOUNG, BECKLES

7. CLOSED SESSION/REPORT OUT

General Counsel/Chief Legal Officer Jill Sprague out on the following:

MOTION: PEEPLES/McCALLEY to approve settlement via compromise and release in the amount of \$125,000 in the matter of Raynor v. AC Transit, WCAB Case No. ADJ 16166914. The motion carried by the following vote:

Ayes: PEEPLES, MCCALLEY, WALSH, SYED, SHAW

Absent: BECKLES, YOUNG

MOTION: PEEPLES/McCALLEY to approve settlement in the amount of \$182,750 in the matter

of Galpern v. AC Transit, USDC (No.Cal.Dist.) Case No. 20-cv-02572-TSH. The motion carried by the following vote:

Ayes: PEEPLES, MCCALLEY, WALSH, SYED, SHAW

Absent: BECKLES, YOUNG

MOTION: SYED/McCALLEY to authorize payment to settle all claims with OC Jones & Sons and all of its subcontractors, including Mike Brown Electric, in the amount of \$16.2 million with respect to the East Bay Bus Rapid Transit Project. The motion carried by the following vote:

Ayes: SYED, MCCALLEY, WALSH, PEEPLES, SHAW

Absent: BECKLES, YOUNG

7.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

- Raynor v AC Transit, WCAB Case No. ADJ16166914
- Galpern v. AC Transit, USDC (No.Cal.Dist.) Case No. 20-cv-02572-TSH

Litigation Report:

- Hartway v. AC Transit, et al., ACSC No. 22CV011482;
- Burks v. AC Transit, et al., ACSC No. 22CV020493;
- Galpern v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-02572-TSH;
- Dollene Jones v. AC Transit Retirement Board, et al., ACSC No. RG20-050706; and
- Priest v. Bailey, et al., ACSC No. 22CV013020.
- Report regarding violations at the District's Division 4 facility during the reporting period.

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

8. AGENDA PLANNING

8.A. Review of Agenda Planning Pending List.

[23-028n](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

No new items were added to Agenda Planning.

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for August 9, 2023.

[23-029n](#)

General Manager Hursh informed the Board that AC Transit had won a Grand Award in the American Public Transportation Association's 2023 AdWheel Award Marketing & Communications Competition.

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.

11. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 5:55 p.m. The next meeting of the Board is scheduled for August 30, 2023, at 5:00 p.m. (Board Retreat).

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary