



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

### **AGENDA**

#### **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

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

**Wednesday, August 7, 2024 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**

**SHAYNA VAN HOFTEN, INTERIM GENERAL COUNSEL/CHIEF LEGAL OFFICER**

**LINDA A. NEMEROFF, BOARD ADMINISTRATIVE OFFICER/DISTRICT SECRETARY**

**TELECONFERENCE:**

Director H. E. Christian Peeples, 13328 San Pablo Avenue, Room 33B, San Pablo, California 94806

**Live Public Comment**

Board of Directors meetings are held in person. Live public comment may be given in person, on Zoom, or the teleconference number listed on the cover of this agenda. Speakers must be ready to present their comments when they are called upon to speak.

Zoom participants must use the "raise your hand" feature to indicate they wish to speak on an item and be prepared to accept the prompt to unmute. If calling into a meeting, dial \*9 to "raise your hand" when the agenda item you wish to speak to is called. Dial \*6 to unmute when the last four digits of your number are called. If you decide not to speak, dial \*9 to "lower your hand".

**Written Public Comment**

To submit a written comment to the Board, click on <https://actransit.legistar.com/Calendar.aspx> and then click on the "eComment" link for the corresponding meeting. The eComment submission window closes 30 minutes prior to the start of the meeting. Written comments may also be emailed to [myvoice@actransit.org](mailto:myvoice@actransit.org). Indicate the agenda item number in the subject of the email. Email comments must be received no later than two hours prior to the start of the meeting.

AC Transit does not provide technical support to users accessing the meeting by telephone/Zoom.

**ADA Reasonable Accommodations / Alternative Formats / Language Assistance**

In-person meetings of the Board of Directors are accessible to individuals in wheelchairs and assistive listening devices are available to individuals with a hearing impairment. Written materials in alternative formats and disability-related modifications/accommodations must be made 72 hours in advance of the meeting or hearing to help ensure availability. Language assistance and sign language interpreters can be provided upon request 72 hours in advance of the meeting, subject to availability. Direct requests for reasonable accommodation or interpreter services to the District Secretary's Office at [districtsecretary@actransit.org](mailto:districtsecretary@actransit.org) or by calling (510) 891-7201. To access an audio recording of the current agenda by telephone, dial (510) 891-7200.

**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 meeting minutes of July 24, 2024. [24-035](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 5.B. Consider receiving the Semi-Annual Employee and Non-Employee Out-of-State Travel Report for the second half of FY 2023-24. [24-405](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 5.C. Consider receiving the Monthly Report on Investments for June 2024. [24-402](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 5.D. Consider receiving a report on the Status of Active Contracts and Spending amounts over \$250,000 for Fiscal Year 2023-2024. [24-404](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 5.E. Consider receiving the FY 2023-2024 Surplus and Obsolete Materials Report. [24-403](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 5.F. Consider authorizing the General Manager to exercise option year two with Service Wear Apparel. [16-057f](#)
- Staff Contact:  
Salvador Llamas, Chief Operating Officer
- 5.G. Consider receiving the report on the District's involvement in external planning processes. [24-408](#)
- Staff Contact:  
Ramakrishna Pochiraju, Executive Director of Planning & Engineering
- 5.H. Consider authorizing the General Manager to enter into a program participation Memorandum of Understanding (MOU) with the Metropolitan Transportation Commission (MTC) for AC Transit's participation in the Free or Reduced Cost Regional Transfers Pilot (Regional Transfers Pilot) program in substantially similar form to the draft MOU. [24-365](#)
- Staff Contact:  
Chris Andrichak, Chief Financial Officer
- 5.I. Consider receiving the monthly legislative report. [24-422](#)
- Staff Contact:  
Claudia Burgos, Director of Legislative Affairs & Community Relations

## 6. REGULAR CALENDAR

### Board Administrative Matters - President Young

- 6.A. Consider setting hybrid Public Hearings before the Board of Directors at 2:00 p.m. and 6:00 p.m. on Wednesday, September 11, 2024, at AC Transit's General Offices; and setting remote (virtual) staff-led Public Hearings on September 9, 2024 at 6:00 p.m. and September 10, 2024 at 9:00 a.m. regarding the Realign Draft Final Network Plan. [23-250i](#)
- Staff Contact:  
Ramakrishna Pochiraju, Executive Director of Planning & Engineering  
Claudia Burgos, Director of Legislative Affairs & Community Relations

## 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))

- McClain v. AC Transit, WCAB Case Nos. ADJ911371, ADJ9113550; Claim Nos. ACCT-007401, ACCT-009107, ACCT-008599

- Williams v. AC Transit, WCAB Case No. ADJ 11509686: Claim No. ACCT-025608

**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. Public Employee Appointment**

(Government Code Section 54957(b))

Title: General Counsel

**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 Form submitted by Vice President Shaw. [24-061m](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

**9. GENERAL MANAGER'S REPORT**

9.A. General Manager's Report for August 7, 2024. [24-016m](#)

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

10.A. Written reports from Board members on travel to District-related conferences occurring in the last 30 days. [24-311](#)

**11. ADJOURNMENT**

Next Regular Meeting: September 11, 2024 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.

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.