



# **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, April 10, 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 Sarah Syed, 1196 West Lower Crabapple Road, Fredericksburg, Texas 78624

**1. CALL TO ORDER**

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, April 10, 2024.

Prior to the start of the meeting, Interim General Counsel Shayna van Hoften confirmed that all requirements of the Ralph M. Brown Act (Govt. Code Sections 54950, et seq.) and the provisions of Board Policy 101, Section 4.9 regarding teleconferenced meetings were met in order for Director Syed to participate in the meeting.

In addition, the Interim General Counsel confirmed that Director Peebles 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 4:17 p.m. for the purposes of Closed Session. All Board members were present except President Young. Closed Session concluded at 4:45 p.m.

The Board of Directors meeting was called to order at 5:02 p.m.

**2. ROLL CALL**

President Young was absent from the meeting while on authorized District business and was excused.

**Present:** SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**Absent:** YOUNG

**3. PUBLIC COMMENT**

**George Spies** commented on the implementation of quick build projects on International Blvd, noting that such projects are welcome due to the number of speeding and pedestrian accident and fatal incidents. Spies also asked the Board to remain open to SB 1031, the Regional Transit Funding measure.

**Jane Kramer** commented that the Board must include the public for meaningful comments on the funding of the transit system. Kramer suggested Board members take public transportation to their Board meetings to set an example for other decision makers.

**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 on items on the Consent Calendar.

MOTION: McCALLEY/BECKLES to receive or approve the items on the Consent Calendar as indicated. The motion carried by the following vote:

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

**Absent:** YOUNG

- 5.A.** Consider authorizing members of the Board of Directors and the General Manager to attend various out-of-state conferences, meetings, and seminars held by the Conference of Minority Transportation Officials (COMTO), American Public Transportation Association (APTA), Transportation Research Board (TRB), the Center for Transportation and the Environment (CTE), the International Association of Public Transport (UITP/LTA), and the National Association of City Transportation Officials (NACTO) as outlined in the staff report. [24-133](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: McCALLEY/BECKLES to authorize members of the Board of Directors and the General Manager to attend various out-of-state conferences, meetings, and seminars held by the Conference of Minority Transportation Officials (COMTO), American Public Transportation Association (APTA), Transportation Research Board (TRB), the Center for Transportation and the Environment (CTE), the International Association of Public Transport (UITP/LTA), and the National Association of City Transportation Officials (NACTO) as outlined in the staff report. The motion carried by the following vote:

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

**Absent:** YOUNG

- 5.B.** Consider receiving report on Annual Statement of Economic Interest filings. [24-188](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: McCALLEY/BECKLES to receive report on Annual Statement of Economic Interest filings. The motion carried by the following vote:

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

**Absent:** YOUNG

- 5.C.** Consider receiving the General Manager's Access Committee minutes of February 13, 2024. [24-231](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: McCALLEY/BECKLES to receive the General Manager's Access Committee minutes of February 13, 2024. The motion carried by the following vote:

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

**Absent:** YOUNG

- 5.D.** Consider authorizing the General Manager or his designee to submit application(s) and execute funding agreements for the Federal Transit Administration (FTA) Section 5339 Competitive Programs (Bus and Bus Facilities Discretionary, and Low and No Emissions Discretionary) for a package of bus purchases, facility improvements, and Workforce Development. [24-235](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/BECKLES to authorize the General Manager or his designee to submit application(s) and execute funding agreements for the Federal Transit Administration (FTA) Section 5339 Competitive Programs (Bus and Bus Facilities Discretionary, and Low and No Emissions Discretionary) for a package of bus purchases, facility improvements, and Workforce Development. The motion carried by the following vote:

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

**Absent:** YOUNG

- 5.E.** Consider ratifying assignment of the custody/safekeeping bank services contract from Wells Fargo Institutional Retirement and Trust to Principal Custody Solutions and exercising one two-year option for the same contract with Principal Custody Solutions. [17-019e](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: McCALLEY/BECKLES to ratify assignment of the custody/safekeeping bank services contract from Wells Fargo Institutional Retirement and Trust to Principal Custody Solutions and exercising one two-year option for the same contract with Principal Custody Solutions. The motion carried by the following vote:

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

**Absent:** YOUNG

## **6. REGULAR CALENDAR**

### **Finance and Audit Items - Chair McCalley**

- 6.A.** Consider receiving a report on the Draft FY 2024-25 Operating and [23-513b](#)

Capital Budgets, which includes revised Budget Goals, a financial projection and an overview of the major assumptions and drivers to the operating revenues and operating expenses.

Staff Contact:

Chris Andrichak, Chief Financial Officer

Chief Financial Officer Chris Andrichak presented the staff report and addressed the questions regarding Budget Goals and grants.

**Public Comment:**

**Laurel**, Public Advocates, asked how bus operator retention will be considered and reported in the FY 2024-25 Operations and Capital Budget.

MOTION: SHAW/BECKLES to receive a report on the Draft FY 2024-25 Operating and Capital Budgets, which includes revised Budget Goals, a financial projection and an overview of the major assumptions and drivers to the operating revenues and operating expenses. The motion carried by the following vote:

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

**Absent:** YOUNG

- 6.B.** Consider authorizing the General Manager to bind the District's 2024-2025 Transit Operations Insurance program.

[24-171](#)

Staff Contact:

Shayna van Hoften, General Counsel/Chief Legal Officer

[Attachment 1 to the Staff Report (Excess Automobile and General Liability Proposal) was not available at the time of the meeting and will be incorporated into the record once received.]

Claims and Liability Manager Jean Paul Popoff presented the staff report and introduced P.J. Skarlanic of Aliant who addressed questions from the Board. There were no public comments offered.

MOTION: BECKLES/WALSH to authorize the General Manager to bind the District's 2024-2025 Transit Operations Insurance program. The motion carried by the following vote:

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

**Absent:** YOUNG

**Planning Items - Chair Syed**

- 6.C.** Consider receiving an update on AC Transit's participation in the Metropolitan Transportation Commission's (MTC's) regional transit

[24-217](#)

priority efforts.

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Senior Transportation Planner Casey Bruno presented the staff report. Joel Schaffer with Metropolitan Transportation Commission was present to address questions. There were no public comments offered.

MOTION: McCALLEY/PEEPLES to receive an update on AC Transit's participation in the Metropolitan Transportation Commission's (MTC's) regional transit priority efforts. The motion carried by the following vote:

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

**Absent:** YOUNG

- 6.D.** Consider receiving the Semi-annual Strategic Plan update and draft timeline for developing Strategic Plan 2025. [24-170a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

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

MOTION: McCALLEY/WALSH to receive the Semi-annual Strategic Plan update and draft timeline for developing Strategic Plan 2025. The motion carried by the following vote:

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

**Absent:** YOUNG

- 6.E.** Receive a report on the process and guiding principles for updating Board Policy 501 governing the District's bus stops. [24-186a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Service Planning Manager Michael Eshleman presented the staff report. There were no public comments offered.

MOTION: BECKLES/WALSH to receive a report on the process and guiding principles for updating Board Policy 501 governing the District's bus stops. The motion carried by the following vote:

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

**Absent:** YOUNG

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**Operations Items - Chair Shaw**

- 6.F.** Consider receiving the FY 2023-24 Second Quarter Protective Services Report. [24-211a](#)

Staff Contact:

Marla Lee Blagg, Director of Safety and Security

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

MOTION: WALSH/McCALLEY to receive the FY 2023-24 Second Quarter Protective Services Report and direct staff to provide an annual report by the end of the fiscal year that analyzes data for trends and patterns. The motion carried by the following vote:

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

**Absent:** YOUNG

**7. CLOSED SESSION/REPORT OUT**

Interim General Counsel Shayna van Hoften reported out on the following:

MOTION: PEEPLES/McCALLEY to approve settlement of the permanent disability claim in the matter of Kaur v. AC Transit, WCAB Case No. ADJ10228265 in the amount of \$172,042.50.

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

**Absent:** YOUNG

The Interim General Counsel added that there were no other actions to report out from the 3:45 p.m. Special Meeting/Closed Session or the 4:00 p.m. Closed Session.

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

(Government Code Section 54956.9 (a))

Kaur v. AC Transit, WCAB Case No. ADJ10228265

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

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

**7.C. Public Employee Appointment**

(Government Code Section 54957(c))

Title: General Counsel

**8. AGENDA PLANNING**

- 8.A.** Review of Agenda Planning Pending List and Agenda Planning Request Forms. [24-061e](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

There were no new agenda items for consideration.

**9. GENERAL MANAGER'S REPORT**

**9.A.** General Manager's Report for April 10, 2024.

[24-016e](#)

The item was presented for information only.

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

Members of the Board commented on meetings, conferences, and events they attended since the last Board meeting. Vice President Shaw and Director Walsh gave verbal reports of their attendance at the American Public Transportation Association Legislative Conference in Washington, D. C.

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 7:19 p.m. The next meeting of the Board is scheduled for April 24, 2024 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary