



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 3:30 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, February 14, 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

1. CALL TO ORDER

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, February 14, 2024, at 5:00 p.m.

The meeting was called to order at 3:30 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 7A-7E as listed on the agenda. Closed Session concluded at 4:30 p.m.

President Young called the Board of Directors meeting to order at 5:02 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT

There were no public comments offered.

4. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

5. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)

Public comment was offered on Item 5.O. No comment was received on any other agenda items.

MOTION: PEEPLES/McCALLEY to receive, approve, or adopt the items on the Consent Calendar as indicated with the exception of Item Nos. 5.G. (Board Policy 101), 5.J. (Planned Service Changes), and 5.O. (Agreements with Housing Developers). The motion carried by the following vote:

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

- 5.A.** Consider approving Board of Directors meeting minutes of January 24, 2024. [24-021](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve Board of Directors meeting minutes of January 24, 2024. The motion carried by the following vote.

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

- 5.B.** Consider ratifying the Board President's travel to Washington, D.C. to attend the White House Roundtable on Clean Bus Manufacturing on February 7, 2024. [24-137](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to ratify the Board President's travel to Washington, D.C. to attend the White House Roundtable on Clean Bus Manufacturing on February 7, 2024. The motion carried by the following vote.

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

- 5.C.** Consider authorizing Vice President Shaw, as the District's Alternate Representative to the Alameda County Transportation Commission (ACTC), to travel with the Commission to Washington, D.C. to attend a study session with the District Department of Transportation (DDOT) and the Washington Metropolitan Area Transit Authority (WMATA) on April 4, 2024. [24-156](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to authorize Vice President Shaw, as the District's Alternate Representative to the Alameda County Transportation Commission (ACTC), to travel with the Commission to Washington, D.C. to attend a study session with the District Department of Transportation (DDOT) and the Washington Metropolitan Area Transit Authority (WMATA) on April 4, 2024. The motion carried by the following vote.

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

- 5.D.** Consider authorizing the Board of Directors and General Manager to attend the Center for Transportation and the Environment 2024 Zero Emission Bus (ZEB) Conference on August 27-29, 2024 in Philadelphia, Pennsylvania. [24-146](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to authorize the Board of Directors and General Manager to attend the Center for Transportation and the Environment 2024 Zero Emission Bus (ZEB) Conference on August 27-29, 2024 in Philadelphia, Pennsylvania. The motion carried by the following vote.

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

- 5.E.** Consider authorizing the General Manager to travel to Cleveland, Ohio June 2 - 5, 2024 to participate in the American Public Transportation Association (APTA) Board and Committee Meetings. [24-121](#)

Staff Contact:

Michael Hursh, General Manager/Chief Executive Officer

MOTION: PEEPLES/McCALLEY to authorize the General Manager to travel to Cleveland, Ohio June 2 - 5, 2024 to participate in the American Public Transportation Association

(APTA) Board and Committee Meetings. The motion carried by the following vote.

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

- 5.F.** Consider receiving the FY 2023-24 Second Quarter Travel and Meeting Expense Report for the Board of Directors. [24-106](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to receive the FY 2023-24 Second Quarter Travel and Meeting Expense Report for the Board of Directors. The motion carried by the following vote.

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

- 5.G.** Consider a review of Article 1 (The Agency) and approve amendments to Article 2 (Board of Directors) of Board Policy 101 - Board of Directors Rules for Procedure. [24-097](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

The item was pulled off the Consent Calendar by Vice President Shaw to comment on the need to update/modernize Transit District Law which is referenced in the policy. There was no public comment offered.

In addition, Board Administrative Officer/District Secretary Linda Nemeroff requested that Board reject the proposed amendments to Sections 2.6(a)(3) and 2.6(b)(1) on the grounds that the changes were unintentional.

MOTION: SHAW/McCALLEY to approve amendments to Board Policy 101 - Board of Directors Rules for Procedure with the exception of the amendments to Sections 2.6(a)(3) and 2.6(b)(1) as requested by staff. The motion carried by the following vote:

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

- 5.H.** Consider adoption of Resolution No. 24-006 authorizing the destruction of designated records maintained by the District Secretary's Office. [24-090](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to adopt Resolution No. 24-006 authorizing the destruction of designated records maintained by the District Secretary's Office. The motion carried by the following vote.

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

- 5.I.** Consider receiving the General Manager's Access Committee minutes [24-126](#)

of December 12, 2023.

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to receive the General Manager's Access Committee minutes of December 12, 2023. The motion carried by the following vote.

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

- 5.J.** Consider receiving a report on the District's planned service changes associated with the March 2024 and June 2024 Sign-ups. [24-109](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

The item was pulled off the Consent Calendar by Director Walsh for further clarification which was addressed by the General Manager.

MOTION: PEEPLES/WALSH to receive a report on the District's planned service changes associated with the March 2024 and June 2024 Sign-ups. The motion carried by the following vote:

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

- 5.K.** Consider receiving the Quarterly Report on District's involvement in external planning processes. [24-127](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

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

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

- 5.L.** Consider ratifying the submission of a grant application to the Alameda County Transportation Commission (ACTC) for Paratransit Discretionary Grant Program funds to support travel training on behalf of East Bay Paratransit (EBP). [24-155](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to ratify the submission of a grant application to the Alameda County Transportation Commission (ACTC) for Paratransit Discretionary Grant Program funds to support travel training on behalf of East Bay Paratransit (EBP). The motion carried by the following vote.

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

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

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: PEEPLES/McCALLEY to authorize the General Manager to exercise a one-year extension of AC Transit's Performance Assurance Plan contract for the stationary solid oxide fuel cell (SOFC) system at Seminary Division 4. The motion carried by the following vote.

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

- 5.N.** Consider approving the award of a firm fixed price construction contract for \$421,704 to DC Electric Group of San Leandro, California for the construction of the Mission Boulevard Transit Signal Priority (TSP) Project. [23-265a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/McCALLEY to approve the award of a firm fixed price construction contract for \$421,704 to DC Electric Group of San Leandro, California for the construction of the Mission Boulevard Transit Signal Priority (TSP) Project. The motion carried by the following vote.

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

- 5.O.** Consider authorizing the General Manager to enter into agreements with housing developers, including EAH Housing; Resources for Community Development; Bridge Housing; The Related Companies of California, LLC, and Satellite Affordable Housing Associates; Pacific West Communities; and Eden Housing + Black Cultural Zone and to commit to grant applications that would potentially fund bus purchases and other transit improvements under the Affordable Housing Sustainable Communities (AHSC) Grant Program. [24-128](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

[Written comment received prior to the meeting is incorporated into the file by reference.]

The item was pulled off the Consent Calendar at the request from Director Walsh for the staff presentation and to address questions. Transportation Planning Manager Jim Cunradi presented the staff report.

Public Comment:

David Schnur, Development Director, Mosaic Urban Development, commented on AC Transit's involvement with community development projects, specifically the Liberation Park community development, and thanked the Board and AC Transit Staff for their work and support of these projects.

MOTION: PEEPLES/SYED to authorize the General Manager to enter into agreements with housing developers, including EAH Housing; Resources for Community Development; Bridge Housing; The Related Companies of California, LLC, and Satellite Affordable Housing Associates; Pacific West Communities; and Eden Housing + Black Cultural Zone and to commit to grant applications that would potentially fund bus purchases and other transit improvements under the Affordable Housing Sustainable Communities (AHSC) Grant Program. The motion carried by the following vote:

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

- 5.P.** Consider the adoption of Resolution No. 24-008 directing staff to implement actionable solutions as outlined by the Federal Transit Administration (FTA) to strengthen the American bus manufacturing industry. [24-163](#)

Staff Contact:

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

MOTION: PEEPLES/McCALLEY to adopt Resolution No. 24-008 directing staff to implement actionable solutions as outlined by the Federal Transit Administration to strengthen the American bus manufacturing industry. The motion carried by the following vote.

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

6. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 6.A.** Consider receiving the Monthly Legislative Report. [24-120](#)

Staff Contact:

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

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

MOTION: YOUNG/McCALLEY to receive the Monthly Legislative Report. The motion carried by the following vote:

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

Finance and Audit Items - Chair McCalley

- 6.B.** Consider receiving the FY 2023-24 Mid-Year ridership report and Mid-Year Budget review, and adopt Resolution No. 24-004 amending the FY 2023-24 Annual Operating and Capital Budgets. [22-588f](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Chief Financial Officer Chris Andrichak presented the staff report. There were no public comments offered.

Subsequent to the meeting, a revised resolution reflecting the budget adjustments associated with the 11 positions (Operations (8), Safety (1), and Retirement (2)) approved by the Board was prepared and incorporated into the file by reference. Attachment 2 was also revised to reflect the necessary budget adjustments and is incorporated into the file.

MOTION: YOUNG/PEEPLES to adopt revised Resolution No. 24-004 amending the FY 2023-24 Annual Operating and Capital Budgets, with the caveat to approve only 11 new positions in the Operations, Safety and Retirement Departments. The motion carried by the following vote:

Ayes: YOUNG, SHAW, BECKLES, SYED, McCALLEY, PEEPLES

Nayes: WALSH

Operations Items - Chair Shaw

- 6.C.** Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Second Quarter of Fiscal Year 2023-24. [24-123](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

Chief Operating Officer Salvador Llamas presented the staff report. There were no public comments offered.

MOTION: YOUNG/PEEPLES to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Second Quarter of Fiscal Year 2023-24. The motion carried by the following vote:

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

- 6.D.** Consider receiving the annual report on the state of the District's Fleet. [24-122](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

Director of Maintenance Cecil Blandon presented the staff report.

Public Comment:

Brian Culbertson expressed concerns about the effects to bus service due to the higher operating costs of the planned Battery Electric and Hydrogen vehicle purchases.

MOTION: SHAW/PEEPLES to receive the annual report on the state of the District's Fleet. The motion carried by the following vote:

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

Board Administrative Matters - President Young

- 6.E.** Consider approving the creation of a limited-purpose General Counsel Executive Search Committee. [24-134](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

There was no public comment offered.

MOTION: SYED/PEEPLES to approve the creation of a limited-purpose General Counsel Executive Search Committee. The motion carried by the following vote:

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

- 6.F.** Announcement of appointments to the limited-purpose Executive Search Committee. [24-130](#)

Presenter:

President Young

President Young announced the appointment of Directors Syed, McCalley and Peeples to the Executive Search Committee, with McCalley serving as the Chair. Vice President Shaw was appointed as an alternate member. There was no public comment offered.

7. CLOSED SESSION/REPORT OUT

Interim General Counsel Shayna van Hoften reported that the Board of Directors unanimously approved settlements on the following two matters:

- McGhee v. AC Transit, WCAB Case No. ADJ 8193056, in the amount of \$ 390,000.
- Martin v. AC Transit, WCAB Case Nos. ADJ9288628, ADJ9438369, in the amount of \$139,000.

General Counsel van Hoften reported that the semi-annual litigation report was presented to the Board in the Closed Session for the cases listed on the agenda. There were no other actions to report out.

7.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

- McGhee v. AC Transit, WCAB Case No. ADJ 8193056
- Martin v. AC Transit, WCAB Case Nos. ADJ9288628, ADJ9438369

Semi-Annual Litigation Report

- Hartway v. AC Transit, et al., ACSC No. 22CV011482;
- Clewis v. AC Transit, et al., ACSC No. 23CV034436;
- Marshall v. AC Transit, et al., ACSC No. 23CV032289;
- Raynor v. AC Transit, et al., U.S. District Court (No.Cal.Dist.), No. 3:23-cv-04297-AMO;
- Galpern v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-02572-TSH;
- Garcia v. AC Transit, et al., ACSC No. 23CV032825; and
- Claim of Rafiel (Claim No. 23-AL00135).

In addition, there is a report regarding violations at the District's Division 2, Division 6, and Central Maintenance facilities during this reporting period.

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 Performance Evaluation

(Government Code Section 54957)

Title: General Manager, Interim General Counsel, District Secretary

7.E. 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 submitted by Vice President Shaw and Director McCalley. [24-061b](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

With concurrence by Directors Peebles and Director Walsh, Vice President Shaw's agenda planning request was accepted. With concurrence by Director Walsh and Vice President Shaw, Director McCalley's agenda planning request was accepted.

9. GENERAL MANAGER'S REPORT**9.A. General Manager's Report for February 14, 2024. [24-016b](#)**

General Manager Hursh extended congratulatory remarks to the Marketing and Communications team for winning two American Public Transportation Association Ad-Wheel awards.

The report 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. President Young commented on his trip to Washington, D. C. to participate in the White House Roundtable on Clean Bus Manufacturing.

11. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 6:35 p.m. The next meeting of the Board is scheduled for March 13, 2024 at 5:00 p.m.

Respectfully submitted,

/s/ Linda A. Nemeroff
Board Administrative Officer/District Secretary