



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

CLOSED SESSION 4:15 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, July 26, 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. 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.

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 minutes of July 12, 2023.

[23-107](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 5.B. Consider the adoption of Resolution No. 23-033 declaring the Board's intent to transition from hybrid ward-based and at-large elections to solely ward-based elections, to initiate procedures, and implement ward-based elections for at-large members of the Board of Directors.

[23-391](#)

Staff Contact:

Jill Sprague, General Counsel/Chief Legal Officer

Lind Nemeroff, Board Administrative Officer/District Secretary

- 5.C. Consider receiving the Monthly Legislative Report and approve a SUPPORT position on SB 747 (Caballero D) Land use: Economic development: surplus land.

[23-332](#)

Staff Contact:

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

- 5.D. Consider the adoption of Resolution No. 23-032 establishing the Appropriations Limit for Fiscal Year 2023-24 at \$650,986,304.

[23-326a](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 5.E. Consider receiving the Financial Audit Plan and Audit Engagement Letter for the Fiscal Year Ending June 30, 2023. [23-362](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 5.F. Consider authorizing the General Manager to enter into a contract extension of up to six-months with Reliable Onsite Testing Services for mobile and after-hours drug and alcohol testing services, from August 1, 2023 to January 31, 2024. [NOTE: The Staff Report is currently unavailable and will be published prior to the Board meeting.] [23-127a](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

6. WORKSHOP

(The protocol for the workshop is as follows: Public Comment on Item 6.B. will occur after the staff presentation and questions from the Board. The staff presentation time is estimated to be one hour. The Board will have discussion after public comment and may provide direction to staff at that time.)

- 6.A. Consider receiving a District financial update related to the Realign effort. [23-383](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 6.B. Consider receiving an overview of existing conditions findings and associated draft guiding principles as part of Realign - the District's system-wide service planning effort. [23-375](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering
Beverly Greene, Executive Director of External Affairs, Marketing & Communications

Board Administrative Matters - President Young

- 6.C. Consider adoption of Resolution No. 23-031 appointing Donna Linton to fill the remainder of an unexpired term ending on August 31, 2025, on the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee. [23-255a](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

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))

Collins v. AC Transit, WCAB Case Nos. ADJ11363885, ADJ11299344, ADJ11363866, ADJ8513562
Gonzalez v. AC Transit, WCAB Case Nos. ADJ10535147, ADJ13294677

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

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 [23-028m](#)
Forms submitted by Vice President Shaw and Director Syed.

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

9. GENERAL MANAGER'S REPORT

- 9.A. General Manager's Report for July 26, 2023. [23-029m](#)

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: August 9, 2023 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.

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 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.