



## **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, July 26, 2023 at 5:00 PM**  
**Realign Workshop**

#### **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, July 26, 2023, at 5:00 p.m.

The meeting was called to order at 4:17 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Beckles who arrived at 4:20 p.m. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:43 p.m.

Prior to the start of the meeting, the General Counsel confirmed that President Young 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.

**2. ROLL CALL**

Director Beckles left the meeting at 5:18 p.m. after the discussion Item 5.B.

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

**3. PUBLIC COMMENT**

**Ms. Fowles** gave thanks for the returning a portion of Line 80 to the Ashby Corridor and requested Line 80 be restored to its full capacity.

**4. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

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

MOTION: PEEPLES/BECKLES to receive, approve or adopt the items on the Consent Calendar as indicated, with the exception of Items 5.B. and 5.C which were pulled off the Consent Calendar by Director Peeples. The motion carried by the following vote:

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

**5.A.** Consider approving Board of Directors minutes of July 12, 2023. [23-107](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/BECKLES to approve Board of Directors minutes of July 12, 2023.

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

**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

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

Item 5.B. was pulled off the Consent Calendar by Director Peeples to explain the reasoning for abstaining on the item.

**Public Comment:**

**Alfred Twu** spoke in support of Resolution No. 23-033 and urged the Board of Directors to adopt it.

**Nick Pilch** spoke in support of Resolution No. 23-033 and urged the Board of Directors to adopt it.

**Jon Minot** spoke in support of Resolution No. 23-033 and urged the Board of Directors to adopt it.

MOTION: BECKLES/SYED to adopt 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. The motion carried by the following vote:

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

**Abstained:** PEEPLES

- 5.C.** Consider receiving the Monthly Legislative Report and approve a [23-332](#) SUPPORT position on SB 747 (Caballero D) Land use: Economic development: surplus land.

**Staff Contact:**

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

Director Peeples pulled Item 5.C. off the Consent Calendar to urge Boardmembers to read the report from Platinum Advisors on the state budget and budget trailer bills concerning the transit relief package and the accountability measures associated with the package. There was no public comment offered.

MOTION: PEEPLES/McCALLEY to received the Monthly Legislative Report and approve a SUPPORT position on SB 747 (Caballero D) Land use: Economic development: surplus land. The motion carried by the following vote:

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

**Absent:** BECKLES

- 5.D.** Consider the adoption of Resolution No. 23-032 establishing the [23-326a](#)

Appropriations Limit for Fiscal Year 2023-24 at \$650,986,304.

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/BECKLES to adopt Resolution No. 23-032 establishing the Appropriations Limit for Fiscal Year 2023-24 at \$650,986,304. The motion carried by the following vote:

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

- 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

MOTION: PEEPLES/BECKLES to receive the Financial Audit Plan and Audit Engagement Letter for the Fiscal Year Ending June 30, 2023. The motion carried by the following vote:

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

- 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. [23-127a](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

MOTION: PEEPLES/BECKLES to authorize 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. The motion carried by the following vote:

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

## **6. WORKSHOP**

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

Staff Contact:

Chris Andrichak, Chief Financial Officer

Chief Financial Officer Chris Andrichak presented the staff report.

**Public Comment:**

**Adina Levin, Seamless Bay Area**, advised that over 100 organizations sent support letters and the Governor and Legislators received over 10,000 calls and letters

requesting additional funds to Bay Area Transit to avoid the fiscal cliff, noting that the State of California significantly under funds transit operations compared to other regions with major transit systems in this country.

MOTION: PEEPLE/WALSH to receive a District financial update related to the Realign effort. The motion carried by the following vote:

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

**Absent:** BECKLES

- 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

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

Transportation Planner David Berman and External Affairs Representatives Diann Castleberry gave the presentation. In addition, the following consultants were present:

Laurence Lewis, Principal Planner serving as Project Manager, Kittelson and Associates  
Ron Kilcoyne, Senior Manager, Transportation Management and Design, Inc.  
Frank Ponciano, Associate Director, Winter Consulting

**Public Comment:**

**Stephen Cooper** hoped the realignment would serve as a comprehensive redesign for the present but also as a baseline for future service adjustments.

**Bruce DeBenedictis** advised that the section regarding Direct Lines that you must walk farther from was confusing and felt the best transbay service that was ever provided was when BART was down and busses went from downtown Oakland directly to San Francisco.

**Meryl Siegel** expressed concern about empty buses on Line 52 and requested a smaller bus that would leave less of a carbon footprint. It was further requested that operators turn off the stop announcements at the bus stops that are in front of homes.

**John Minot, East Bay Transit Riders Union**, urged AC Transit to exercise leadership and figure out how to take opportunities to do more with what they have and not to just be meeting out a certain number of hours (submitted written comment).

**George Spies Traffic Violence Rapid Response**, suggested that AC Transit make Safety a guiding principle, saying that while speed may enhance performance, it often comes at the expense of safety.

**Gerald Cauthen, Bay Area Transportation Working Group**, was happy the study is

underway and gave suggestions for speeding up the service and improving reliability. Cauthen further advocated for simpler bus lines.

**Dave Sorrell** encouraged the Board and Service Planning Department to look a little deeper into connectivity as a guiding principle as well as an equity strategy saying that Line 51 should utilize Brooklyn Basin and University Village in Albany.

**Adina Levin** supported free transfers coming forward regionally.

**Bob Finebaum** urged AC Transit to work with the City of Oakland to develop a way finding system that would allow people to easily transfer between busses.

**Andy Katz** requested additional interactive opportunities to share input directly with the Board in a workshop setting again and encouraged ways of making data sets available to the public to allow feedback on potential scenarios.

**Carter Lavin, Transbay Coalition**, was excited for Transit month in September and understood the difficulties AC Transit faces as being woefully under funded.

**Joshua Saunders** is concerned about accessibility on AC Transits webpage and APP and wanted to ensure people with disabilities have access to that information.

**Taylor** is concerned that the some of the bus lines only operate on the weekdays, specifically Line 65 and requested a new bus line to go to the Oakland Zoo and the Space and Science Center.

**Bryan Culbertson** requested that the realignment of service also include what could happen with more funding for service.

**Jane Kramer** requested that AC Transit listen to the public in regard to the timing/arrival bus times.

MOTION: PEEPLES/McCALLEY to receive an overview of existing conditions findings and associated draft guiding principles as part of Realign - the District's system-wide service planning effort. The motion carried by the following vote:

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

**Absent:** BECKLES

### 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

There was no presentation of the staff report and no public comment offered.

MOTION: PEEPLES/SYED to adopt 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. The motion carried by the following vote:

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

**Absent:** BECKLES

**7. CLOSED SESSION/REPORT OUT**

General Counsel Jill Sprague reported out on the following:

MOTION: McCALLEY/PEEPLES to approve settlement via compromise and release in the amount of \$170,000 less permanent disability advances in the amount of \$54,534.28, in the matter of Collins v. AC Transit, WCAB Case Nos. ADJ11363885, ADJ11299344, ADJ11363866, ADJ8513562. The motion carried by the following vote:

**Ayes:** McCalley, Peeples, Beckles, Walsh, Syed, Shaw, Young

MOTION: PEEPLES/BECKLES settlement via compromise and release in the amount of \$175,000 less permanent disability advances of \$22,147.36, in the matter of Gonzalez v. AC Transit, WCAB Case Nos. ADJ10535147, ADJ13294677. The motion carried by the following vote:

**Ayes:** Peeples, Beckles, Walsh, Syed, McCalley, Shaw, Young

**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**

- 8.A.** Review of Agenda Planning Pending List and Agenda Planning Request  
Forms submitted by Vice President Shaw and Director Syed.

[23-028m](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

The Agenda Planning Requests submitted by Director Syed and Vice President Shaw were accepted.

**9. GENERAL MANAGER'S REPORT**

**9.A.** General Manager's Report for July 26, 2023.

[23-029m](#)

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 attended since the last Board meeting. Director McCalley and President Young reported on their attendance at the American Public Transportation Association's Transit Board Member Seminar.

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting was adjourned at 7:45 p.m. in honor of Senior Transportation Planner Nathan Landau on the occasion of his retirement. The next meeting of the Board is scheduled for February 26, 2023 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary