



## ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

### AGENDA

#### **Board of Directors - Regular Meeting**

CLOSED SESSION 4:15 PM (see item 8 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, April 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**

## Teleconference Requirements

Members of the Board may attend meetings remotely with notice of their teleconference location published on the agenda or without noticing their meeting location subject to the limited "just cause" and "emergency circumstances" teleconference exceptions under the Brown Act. In order to utilize these exceptions, a quorum of the Board must participate in person from a single physical location within the District, and the member teleconferencing must participate through audio and video technology. In addition, a Board member must publicly disclose at the meeting whether any individuals 18 years of age or older are present in the room at the remote location with the member and their general relationship to the member. The Board may take action on an item not on the agenda to consider a request from a member of the Board to participate in the meeting remotely using the emergency circumstances teleconference exception. If a Board Member(s) teleconferences to a meeting, roll-call votes are required.

## Live Public Comment

The public is invited to attend the Board of Directors meeting in person or remotely via Zoom. Live public comment will be accepted during the meeting in person, through Zoom, or the teleconference number listed on the agenda cover page. Zoom participants must use the "raise your hand" feature to indicate they wish to speak on an item. The District Secretary will call each speaker when it is their turn to speak. Use the unmute option when 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](mailto: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.

A live broadcast of the meeting is available online for those who only wish to listen/watch the Board of Directors meeting (and not provide comment). A live audio/video stream is available online at: <https://actransit.legistar.com/Calendar.aspx> [Under the "Audio/Video" column, Click on the "In Progress" link. This can only be done 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. PRESENTATION**

3.A. Consider adoption of Resolution No. 23-020 honoring Hugo Wildmann on the occasion of his retirement from the AC Transit Retirement Department. [23-227](#)

Presenter:

H. E. Christian Peeples, Director At-Large

**4. 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.

**5. MODIFICATIONS TO THE AGENDA****6. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)**

6.A. Consider approving Board of Directors minutes of April 12, 2023. [23-101](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

6.B. Consider receiving the Monthly Report on Investments for February 2023. [23-248](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

6.C. Consider adoption of Resolution No. 23-022 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for Fiscal Year (FY) 2023-24 allocations of Transportation Development Act (TDA), State Transit Assistance (STA), Assembly Bill 1107 (AB 1107) and Regional Measure 2 (RM2) bridge toll revenues. [23-234](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

6.D. Consider adoption of Resolution No. 23-014 authorizing the General Manager or his designee to file and execute applications and funding agreements with the California Department of Transportation (Caltrans) for allocations of the FY 2022-23 Low Carbon Transit Operations Program (LCTOP) funds for Tempo operating assistance and the MacDonald Avenue Transit Signal Priority Phase 1 project to provide Certifications and Assurances, and assign the General Manager, or his designee, as the Authorized Agent for the LCTOP. [23-212](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

6.E. Consider authorizing the General Manager or his designee to file and execute applications and funding agreements with the Department of Homeland Security (DHS) for the Fiscal Year (FY) 2023 Transit Security Grant Program (TSGP) to enhance the security of the District's operating divisions and administrative building by strengthening cyber security. [23-243](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

6.F. Consider authorizing the General Manager to execute an amendment to Contract 2022-10480 with Herrig & Vogt, LLP adding \$1,750,000 to the contract and extending the term to December 31, 2024, for legal services related to disputes and issues arising out of the construction of the East Bay Bus Rapid Transit (BRT) Project. [23-256](#)

Staff Contact:

Jill A. Sprague, General Counsel/Chief Legal Officer

6.G. Consider authorizing the General Manager to execute two one-year contract options with Messer of North America, LLC; one for hydrogen fuel supply and the other for maintenance services associated with the District-operated hydrogen fuel stations. [20-212a](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

6.H. Consider adoption of Resolution No. 23-023 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to fund the purchase of fifty diesel buses. [23-245](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

6.I. Consider receiving the Semi-Annual Retirement Board Report. [23-273](#)

Staff Contact:

Damien Charléty, Retirement System Manager

6.J. Consider the adoption of Resolution 23-024 confirming the approval of an extension of the 2020-2023 Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME), Local 3916 [subject to ratification by the AFSCME membership]. [23-274](#)

Staff Contact:

Sebron Flenauh, III, Executive Director of Human Resources

## 7. REGULAR CALENDAR

### External Affairs Items - Chair Peeples

7.A. Consider receiving the Monthly Legislative Report and approving legislative positions, if necessary. [23-232](#)

Staff Contact:

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

7.B. Consider the adoption of Resolution No. 23-021 suspending the AC Transit Accessibility Advisory Committee (AAC) and direct the General Manager to establish a committee to advise on accessible services matters. [23-241](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

7.C. Consider receiving a report on customer feedback channels, methodology, and implementation. [Requested by Director Walsh on 11/9/2022] [23-225](#)

Staff Contact:

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

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

7.D. Consider receiving a report on updated operating financial projections. [23-244](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

7.E. Consider receiving an overview of staff's proposed FY 2023-24 Budget Goals. [Continued from the March 22, 2023 Board of Directors meeting.] [22-588b](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

### **Planning Items - Chair Syed**

7.F. Consider receiving an update on progress, next steps, and upcoming engagement opportunities associated with Realign - the District's system-wide service planning effort. [23-250](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

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

### **Board Administrative Matters - President Young**

7.G. Consider approving amendments to Board Policy 155 - Travel, Meeting and Miscellaneous Expense Reimbursements for Directors and Board Officers.

[23-247](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

**8. 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.

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

(Government Code Section 54956.9 (a))

Mills v. AC Transit, WCAB Case No. ADJ10634656, ACCT-026084 and ACCT-024465

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

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (2 Cases)

**8.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

**8.D. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**9. 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.

9.A. Review of Agenda Planning Pending List and Agenda Planning Request Forms.

[23-028g](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

**10. GENERAL MANAGER'S REPORT**

10.A. General Manager's Report for April 26, 2023.

[23-029g](#)

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**12. ADJOURNMENT**

Next Meeting: May 10, 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](http://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.