



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

CLOSED SESSION 3:45 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, January 11, 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

Advisory for Virtual Public Meetings

Due to COVID-19, this meeting will be conducted as a hybrid teleconference and in-person meeting pursuant to Government Code Section 54953. Members of the public, and staff members whose presence is not specifically requested, are encouraged to participate remotely.

Covid-19 Protocols for In-Person Attendance:

1. Visitors experiencing the following symptoms of COVID-19 may not enter the meeting location: • Cough • Chills • Sore Throat • Shortness of Breath • Muscle Pain • Loss of Taste or Smell • Fever
2. Visitors must use the hands-free temperature scanners upon entry. An alert will sound and entrance will be prohibited if a temperature is measured at 100.4 or above.
3. Visitors must show proof of Covid-19 vaccination and masks will be required for all visitors.

Live Public Comment

Live public comment will be accepted during the meeting in person, through Zoom, or the teleconference number listed on the cover page. Participants using Zoom should use the "raise your hand" feature to indicate they wish to speak on an item. The meeting host will call on each speaker when it is their turn to speak. Use the unmute option when you are recognized to speak. For participants calling in, dial *9 to "raise your hand" when the agenda item is called. When you are called to speak by the last 4 digits of your phone number or by name, dial *6 to unmute yourself. If you decide not to speak, you may 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 at 4:30 p.m. prior to the start of the meeting. Written comments can also be emailed to myvoice@actransit.org. Please indicate the agenda item number in the subject of the email. Email submissions must be received by 3:00 p.m. prior to the start of the meeting.

For the members of the public who only wish to listen to 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. 23-001 Honoring the Legacy and Lifetime Achievements of Accessibility Pioneer Hale Zukas. [23-004](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 3.B. Presentation on the Metropolitan Transportation Commission's Regional Network Management Short/Near-Term Framework and Proposed 180-Day Implementation Plan and Evaluation Framework. [23-012](#)

Presenter:

Alix Bockelman, Deputy Executive Director of Policy, Metropolitan Transportation Commission

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 November 9, 2022. [23-005](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 6.B. Consider approving Board of Directors minutes of December 14, 2022. [23-003](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 6.C. Consider the adoption of Resolution No. 23-006 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a declared state of emergency, subject to the requirements of the Brown Act, through February 10, 2023. [22-053g](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 6.D. Consider receiving report on the Board Policies scheduled for review and/or amendment during Calendar Year 2023. [23-010](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 6.E. Consider adoption of Resolution No. 23-005 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the California Department of Transportation for the 2023 Transit and Intercity Rail Capital Program (TIRCP) to fund the zero-emission buses and hydrogen fueling infrastructure at Division 6 in Hayward. [23-007](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 6.F. Consider receiving the Semi-Annual Retirement Board Report. [23-026](#)

Staff Contact:

Hugo Wildmann, Retirement System Manager

- 6.G. Consider the adoption of Resolution No. 23-002 approving the revised classifications of Contracts Services Manager, Senior Contracts Specialist, Contracts Specialist, and Assistant Contracts Specialist. [23-001](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

- 6.H. Consider authorizing the General Manager to execute Easement Agreements with Pacific Gas and Electric Company (PG&E) for the right to enter the District's facilities at Divisions 2, 4 and 6 from time to time to construct, reconstruct, install, inspect, and maintain PG&E owned equipment that services the District's battery electric bus infrastructure.

[23-008](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

7. REGULAR CALENDAR

Board Administrative Matters - President Young

- 7.A. Consider report from the Nominating Committee and election of the 2023 Board President and Vice President.

[23-002](#)

Presenter:

Chair of the Nominating Committee

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))

- Ernest East v. AC Transit, Workers' Compensation Appeals Board Case Numbers: ADJ10033876; ADJ9188707; ADJ9691210; ADJ8417026; ADJ11097510; ADJ12971377; ADJ12971377; and ADJ6993353.

8.B. Conference with Legal Counsel – Potential Litigation (Two Cases)

(Government Code Section 54956.9(b))

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

8.E. Threat to Public Services or Facilities

(Government Code Section 54957(a)):

Consultation with: Salvador Llamas, Chief Operating Officer.

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. [23-028](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

10. GENERAL MANAGER'S REPORT

- 10.A. General Manager's Report for January 11, 2023 [23-029](#)

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

12. ADJOURNMENT

Next Meeting: January 25, 2023 at 5:00 p.m.

MEETING DISCLOSURES

Public Comment: For subjects not listed on this agenda, the public will be invited to speak under the "PUBLIC COMMENTS" section of 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 on the District's website or by contacting the District Secretary's Office.

Wheelchair Access and Assistive Listening Devices: Due to existing shelter-in-place orders related to the spread of the Coronavirus, in-person public meetings are prohibited. Meetings can be accessed by telephone or Zoom video conference. A live audio stream of the meeting and an archive of past meetings can be accessed via the District's website at <https://actransit.legistar.com/Calendar.aspx>. Please see page 1 of the agenda for further details.

Alternative Formats/Interpreters: Written materials in appropriate alternative formats or disability related modification/accommodation must be made three business days in advance of the meeting 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. 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.