



## **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, February 8, 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](mailto: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. Update on federal legislative activities.

[23-015](#)

Presenter:

Steve Palmer, Van Scoyoc Associates

**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 January 25, 2023.

[23-095](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 6.B. Consider the adoption of Resolution No. 23-010 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 March 10, 2023 or February 28, 2023 if the state of emergency is not extended.

[22-053r](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 6.C. Consider receiving the Accessibility Advisory Committee minutes of December 13, 2022.

[23-128](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

- 6.D. Consider receiving a report, which summarizes the new, revised, and abolished classification specifications presented during the calendar year 2022. [23-021](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

- 6.E. Considering the adoption of Resolution No. 23-009 approving the new classification of Director of Safety, Security and Training. [23-131](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

- 6.F. Consider receiving a report on the State of the District's Bus Fleet for AC Transit Fixed Route Services. [23-090](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

- 6.G. Consider approving minor amendments to Board Policy 424 - Non-Discrimination on the Basis of Disability. [23-133](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

## **7. REGULAR CALENDAR**

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

- 7.A. Consider receiving the Quarterly budget update for the period of July 2022 through end of December 2022 of FY 2022-23. [23-069](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

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

- 7.B. Consider receiving a report on the District's planned service changes associated with the March 2023 Sign-up. [23-092](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

## **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))

Semi-Annual Litigation Report:

- Hartway v. AC Transit, et al., ACSC No. 22CV011482;
- Burks v. AC Transit, et al., ACSC No. 22CV020493;
- Galpern v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-02572-TSH;
- White v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-03804-TSH;
- Dollene Jones v. AC Transit Retirement Board, et al., ACSC No. RG20-050706;
- Tanouye v. Walker, et al., ACSC No. RG21-113835; and
- Claim of Quesquen (21-AL00187).

**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

**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. [23-028b](#)

- Agenda Planning Request - Vice President Shaw

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

**10. GENERAL MANAGER'S REPORT**

- 10.A. General Manager's Report for February 8, 2023. [23-029b](#)

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

**12. ADJOURNMENT**

Next Meeting: February 22, 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 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:** 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, 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.

**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.