



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

CLOSED SESSION 2:00 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, May 24, 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. 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. May Revise and Legislative Update. [23-272](#)

Presenter:

Steve Wallauch, Platinum Advisors

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 May 10, 2023. [23-103](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 6.B. Consider receiving the FY 2022-23 Third Quarter Travel and Meeting Expense Report for Directors and Board Officers. [23-275](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 6.C. Consider approving amendments to Board Policy 702 - Conflicts of Interest and Standards for Ethical Conduct. [23-296](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Jill A. Sprague, General Counsel/Chief Legal Officer

- 6.D. Consider receiving the Quarterly Report on the District's involvement in external planning processes. [23-257](#)
- Staff Contact:
Ramakrishna Pochiraju, Executive Director of Planning & Engineering
- 6.E. Consider receiving the Monthly Report on Investments for March 2023. [23-279](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.F. Consider authorizing solicitations for on-site power generation facilities to support AC Transit's operating divisions. [23-286](#)
- Staff Contact:
Ramakrishna Pochiraju, Executive Director of Planning & Engineering
- 6.G. Consider authorizing the General Manager to exercise the second one-year option to extend the general banking services contract with Bank of America from June 1, 2023, through May 31, 2024. [20-182b](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 6.H. Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the period of October 1, 2022 through March 31, 2023. [23-276](#)
- Staff Contact:
Lynette Little, Director of Civil Rights & Compliance

7. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 7.A. Consider receiving a report on customer service metrics for the Third Quarter of Fiscal Year 2022-23. [23-285](#)
- Staff Contact:
Beverly Greene, Executive Director of External Affairs, Marketing & Communications

- 7.B. Consider receiving the Monthly Legislative Report and approve legislative positions. [23-281](#)

Staff Contact:

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

- 7.C. Consider directing the District Secretary to conduct a recruitment to fill a vacancy on the Parcel Tax Fiscal Oversight Committee for the remainder of a three-year term expiring on August 31, 2025, or to fill the vacancy by the direct appointment of a qualified candidate. [23-255](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

Finance and Audit Items - Chair McCalley

- 7.D. Consider approving amendments to Board Policy 333 - Fare Policy Goals and Methodology. [23-206](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

- 7.E. Consider receiving a report on the Proposed FY 2023-24 Operating and Capital Budgets. [22-588d](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Planning Items - Chair Syed

- 7.F. Consider receiving a progress report on the development of the District-Wide Project Labor Agreement. (PLA) [22-274a](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

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

Staff Contact:

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

Operations Items - Chair Shaw

- 7.H. Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Third Quarter of Fiscal Year 22-23. [23-252](#)

Staff Contact:
Salvador Llamas, Chief Operating Officer

- 7.I. Consider receiving the Protective Services Report for the Third Quarter of FY 22-23. [23-254](#)

Staff Contact:
Salvador Llamas, Chief Operating Officer

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))

Jackson v. AC Transit, Alameda County Superior Court Case No. RG18890256

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. [23-028i](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

10. GENERAL MANAGER’S REPORT

- 10.A. General Manager’s Report for May 24, 2023. [23-029i](#)

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

12. ADJOURNMENT

Next Meeting: June 14, 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.