



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

CLOSED SESSION 4:30 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

[Zoom link https://actransit.zoom.us/j/98487175063](https://actransit.zoom.us/j/98487175063)

Wednesday, September 27, 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

Live Public Comment

The public is invited to attend the Board of Directors meeting in person or remotely. Live public comment will be accepted during the meeting in person, through Zoom, or the teleconference number listed on the cover of this agenda.

District Secretary will call each speaker when it is their turn to speak. Zoom participants must use the "raise your hand" feature to indicate they wish to speak on an item and use the "unmute" option once 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.

Members of the public who wish to listen/view the meeting can do so at <https://actransit.legistar.com/Calendar.aspx> by clicking on the "In Progress" link under the "Audio/Video" column. This feature is only available during the live broadcast of the meeting.

AC Transit does not provide technical support to users accessing the meeting by telephone/Zoom.

Teleconference

Director H. E. Christian Peeples, 500 Hotel Circle North, Business Center, San Diego, California

1. CALL TO ORDER**2. ROLL CALL****3. 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.

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

- 5.A. Consider approving the Board of Directors/Board Officer Retreat minutes of August 30, 2023. [23-441](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 5.B. Consider approving Board of Directors minutes of September 6, 2023. [23-463](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 5.C. Consider approving Board of Directors minutes of September 13, 2023. [23-110](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

- 5.D. Consider authorizing lodging expenses for President Young to attend the Platinum Advisors 2023 Annual Client Retreat on October 18-19, 2023, in Sonoma, California. [23-461](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

- 5.E. Consider approving the 2023 update of the AC Transit Title VI Program. [23-395](#)
- Staff Contact:
Lynette Little, Director of Civil Rights & Compliance
- 5.F. Consider authorizing the General Manager to exercise a one-year option from January 1, 2024 through December 31, 2024 with Concentra, CCCMA Occupational Clinic, and Mega Lab Services for drug and alcohol testing, commercial driver license (CDL) medical examinations, and physical agility testing services of prospective and current employees. [20-046b](#)
- Staff Contact:
Lynette Little, Director of Civil Rights & Compliance
- 5.G. Consider a review of Board Policy No. 352- Payment of Expenditures: Signature Authorization with minor updates. [23-451](#)
- Staff Contact:
Chris Andrichak, Chief Financial Officer
- 5.H. Consider receiving the Monthly Legislative Report. [23-416](#)
- Staff Contact:
Beverly Greene, Executive Director of External Affairs, Marketing & Communications
- 5.I. Consider adoption of Resolution No. 23-037 in support of California Clean Air Day 2023. [23-449](#)
- Staff Contact:
Beverly Greene, Executive Director of External Affairs, Marketing & Communications
- 5.J. Consider the adoption of Resolution 23-019 approving the revised classifications of the Director of Capital Projects and the Director of Marketing, Communications, and Customer Services. [23-236](#)
- Staff Contact:
Sebron Flenaugh III, Executive Director of Human Resources

6. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 6.A. Consider approving a process to seek and select candidates for appointment as AC Transit's Representative to the Alameda County Transportation Commission's (ACTC) Paratransit Advisory and Planning Committee (PAPCO). [23-464](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Finance and Audit Items - Chair McCalley

- 6.B. Consider receiving the Quarterly budget update for the period of July 2022 through the end of June 2023 of FY 2022-23. [23-443](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

Planning Items - Chair Syed

- 6.C. Consider receiving a report on the performance of the District's All-door Boarding Pilot. [23-356](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

7. 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.

7.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Tanouye v. Walker, AC Transit, et al., ACSC Case No. RG21113835

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

Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of three Directors, including the requestor.

8.A. Review of Agenda Planning Pending List. [23-028p](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for September 27, 2023. [23-029p](#)

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: October 4, 2023 at 6:00 p.m. (Special Meeting)

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.