



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

CLOSED SESSION 4:15 PM for Agenda Items 7A-7D

VIRTUAL MEETING

Phone (669) 900 6833

Webinar ID: 984 8717 5063

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

Wednesday, June 8, 2022 at 5:00 PM

MEMBERS OF THE BOARD OF DIRECTORS

ELSA ORTIZ, PRESIDENT (WARD 3)

JOEL YOUNG, VICE PRESIDENT (AT-LARGE)

JOVANKA BECKLES (WARD 1)

JEAN WALSH (WARD 2)

MURPHY MCCALLEY (WARD 4)

DIANE SHAW (WARD 5)

H. E. CHRISTIAN PEEPLES (AT-LARGE)

BOARD OFFICERS

MICHAEL A. HURSH, GENERAL MANAGER

JILL A. SPRAGUE, GENERAL COUNSEL

LINDA A. NEMEROFF, DISTRICT SECRETARY

Advisory for Virtual Public Meetings

Due to the COVID-19 pandemic and pursuant to the Brown Act, the Board of Directors of the Alameda-Contra Costa Transit District and all advisory, oversight, and inter-agency liaison committees are authorized to hold remote teleconference meetings and no locations for the public are required to be provided or noticed in the meeting agenda. The public can access the meeting via a call-in option or an internet-based service option as listed below and the agenda for this remote meeting provides an opportunity for members of the public to directly address the body in real time. No action shall be taken during a disruption that would prevent members of the public from offering public comments using the call-in or internet-based option. Remote meetings shall be reconsidered every thirty days.

Public Participation and Public Comments

To access the Board of Directors meeting by video conference click or paste this Zoom link into your browser: <https://actransit.zoom.us/j/98487175063>. To make a live public comment, use the "raise your hand" feature in Zoom to indicate that you wish to speak on an item. You will be muted upon joining the meeting and unmuted by the meeting host when it is your turn to speak. The comment time is limited to 2 minutes per speaker.

To dial into the meeting from your telephone, call: (669) 900 6833 Webinar ID: 984 8717 5063. The telephone number and Webinar ID may change from meeting to meeting.

If you dialed in and wish to speak on an agenda item, dial *9 (star nine) 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, the host will unmute you. If you decide not to speak, you may dial *9 to "lower your hand".

Written Public Comments

To send a written comment directly to the Board BEFORE the meeting starts, please click on <https://actransit.legistar.com/Calendar.aspx> and 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 stream (no video) is available online at: <https://actransit.legistar.com/Calendar.aspx> [Under the "Audio" column, Click on the "In Progress" link. This can only be done while streaming.]

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

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 Board of Directors minutes of April 27, 2022. [22-092](#)
Staff Contact: Linda Nemeroff, 891-7284

5.B. Consider approving Board of Directors minutes of May 25, 2022. [22-094](#)
Staff Contact: Linda Nemeroff, 891-7284

5.C. Consider the adoption of Resolution No. 22-022 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 July 8, 2022. [21-053k](#)
Staff Contact: Linda Nemeroff, 891-7284

5.D. Consider adoption of Resolution No. 22-024 re-appointing Janet Abelson, Beverly Johnson and Matt Williams to a three-year term on the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee and authorize the District Secretary to conduct a recruitment to fill a vacancy for a three-year term commencing on September 1, 2022. [22-347](#)
Staff Contact: Linda Nemeroff, 891-7284

5.E. Consider receiving the Accessibility Advisory Committee minutes of April 12, 2022. [22-322](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448

- 5.F. 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) 2022 Transit Security Grant Program (TSGP) to upgrade security and badge systems throughout the District. [22-327](#)
Staff Contact: Chris Andrichak, 891-4855
- 5.G. Consider review of Board Policy 665 - Procedure for Reviewing Amendments to the Alameda - Contra Costa Transit District Retirement Plan with no recommended amendments. [22-291](#)
Staff Contact: Jill Sprague, 891-4816
- 5.H. Consider receiving preliminary status report on the District's proposed three-year Disadvantaged Business Enterprise (DBE) goal for Federal Fiscal Years (FFY) 2023 - 2025, and authorize staff to give public notice of the proposed goal for a 30-day comment period. [22-241](#)
Staff Contact: Lynette Little, 891-7271
- 5.I. Consider review of Board Policy 236-Disability and Leave of Absence Policy with no recommended amendments. [22-310](#)
Staff Contact: Sebron Flenaugh III, 891-5467
- 5.J. Consider authorizing the General Manager to enter into an extension of the contract with MV Transportation to operate the Dumbarton Express service for the period of July 1, 2022 to December 31, 2022. [11-256m](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 5.K. Consider authorizing the General Manager to enter into an extension of the Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement from July 1, 2022 to December 31, 2022, in conjunction with the six-month extension of the service contract. [11-256n](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 5.L. Consider authorizing the General Manager to execute Cooperative Agreements with the City of Berkeley and City of Oakland for the Rapid Corridors Project. [22-315](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448

6. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 6.A. Consider approving amendments to Articles 1 through 3 of Board Policy 101 - Board of Directors Rules for Procedure. [22-350](#)
Staff Contact: Linda Nemeroff, 891-7284

Finance and Audit Items - Chair Shaw

- 6.B. Consider adoption of Resolution No. 22-023 approving the FY 2022-23 Recommended Operating and Capital Budgets. [22-158c](#)
Staff Contact: Chris Andrichak, 891-4855
- 6.C. Consider receiving the Semi-Annual Retirement Board Report. [22-260a](#)
Staff Contact: Hugo Wildmann, 891-4889

Planning Items - Chair Beckles

- 6.D. Consider receiving a report regarding the impacts of AB 784 on the permitting process for District capital projects. [22-298](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448

Operations Items - Chair Young

- 6.E. Consider receiving a briefing on AC Transit's Data Governance Program. [22-142](#)
Staff Contact: Ahsan Baig, 891- 5490

Board Administrative Matters - President Ortiz

- 6.F. Consider receiving a report of investigation findings related to public statements made at the December 8, 2021, Board meeting regarding the AFSCME Collective Bargaining Agreement (CBA) and former AFSCME president, Shellie Beck. [22-346](#)
Staff Contact: Jill Sprague, 891-4816
- 6.G. Consider approving amendments to the General Manager, General Counsel, and District Secretary's Employment Agreements. [22-328](#)
Contact: President Ortiz

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))

- Valda McDaniel v. AC Transit; WCAB Case Nos. ADJ4546426 and ADJ2930687

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

(Government Code Section 54956.9(b))

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

7.E. Conference with Labor Negotiator

(Government Code Section 54957.6):

Agency Designated Representative: President Ortiz

Board Officers: 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 at least one other Director.

8.A. Review of Agenda Planning Pending List.

[22-065j](#)

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for June 8, 2022.

[22-041j](#)

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

11. ADJOURNMENT

Next Meeting: June 22, 2022 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.