



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

AGENDA

Board of Directors - Regular Meeting

CLOSED SESSION 4:15 PM for Agenda Items 8A-8D

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, September 14, 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. PRESENTATION**

- 3.A. Update on AC Transit's donation of three surplus MCI buses that are being used to provide transportation for school students in Haiti. [19-230c](#)

Presenter: Claude Joseph, Those Angels Inc.

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 August 10, 2022. [22-099](#)

Staff Contact: Linda Nemeroff, 891-7284

- 6.B. Consider approving the Joint Board of Directors/Accessibility Advisory Committee minutes of July 27, 2022. [22-503](#)

Staff Contact: Linda Nemeroff, 891-7284

- 6.C. Consider receiving report on proposed amendments to the AC Transit Conflict of Interest Code. [22-512](#)

Staff Contact: Linda Nemeroff, 891-7284

- 6.D. Consider receiving 1) the Retirement Board meeting minutes of July 13, 2022, and 2) the Special Retirement Board meeting minutes of August 2, 2022. [22-480](#)

Staff Contact: Hugo Wildmann, 891-4889

- 6.E. Consider review of Board Policy 607, Statue of Limitations Re: California Code of Civil Procedure §1094.5 and Resolution 17-016, with no recommended changes. [22-288](#)

Staff Contact: Jill Sprague, 891-4816

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- 6.F. Consider receiving the Monthly Report on Investments for May 2022. [22-463](#)
Staff Contact: Chris Andrichak, 891-4855
- 6.G. Consider approving amendments to Board Policy 324 - Revenue and Grants. [Continued from the July 27, 2022, Board of Directors Meeting] [22-405a](#)
Staff Contact: Chris Andrichak, 891-4855
- 6.H. Consider receiving the Bi-Monthly budget update for the period of July 2021 through June 2022 of FY 2021-22. [22-504](#)
Staff Contact: Chris Andrichak, 891-4855
- 6.I. Consider receiving the FY 2021-22 Fourth Quarter Employee and Non-Employee Out-of-State Travel Report. [22-464](#)
Staff Contact: Chris Andrichak, 891-4855
- 6.J. Consider receiving the FY 2021-22 Fourth Quarter Surplus and Obsolete Materials Report. [22-462](#)
Staff Contact: Chris Andrichak, 891-4855
- 6.K. Consider receiving the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. [22-455](#)
Staff Contact: Chris Andrichak, 891-4855
- 6.L. Consider authorizing the General Manager to execute an amendment to the Feeder Service Funding Agreement with the Bay Area Rapid Transit District (BART) to extend the current agreement for two years, through June 30, 2023. [14-066b](#)
Staff Contact: Chris Andrichak, 891-4855
- 6.M. Consider authorizing the General Manager or his designee to execute an agreement for maintenance of the Richmond Parkway Transit Center Park and Ride Lot (RPTC) with Caltrans. [22-514](#)
Staff Contact: Chris Andrichak, 891-4855
- 6.N. Consider authorizing the release of an Invitation for Bids (IFB) and/or Request for Proposals (RFP) to upgrade the hydrogen fueling infrastructure at the Oakland (D4) Division. [22-461](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
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- 6.O. Consider authorizing the solicitation of proposals to purchase liquid nitrogen and liquid hydrogen fuel to support the continued implementation of the Zero Emission Bus (ZEB) Transition Plan. [22-465](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.P. Consider authorizing a solicitation for proposals for Operations and Maintenance (O&M) services for the Emeryville (D2) and Oakland (D4) hydrogen stations to support the continued implementation of the Zero Emissions Bus (ZEB) Transition Plan. [22-467](#)
Staff Contact: Ramakrishna Pochiraju, 891-5448
- 6.Q. Consider the adoption of Resolution 22-035 approving the new classifications of Director of Innovation and Technology, Innovation and Technology Supervisor, the revised Human Resources Manager, and Labor Relations Manager, and abolishing the classification specification of Director of Systems and Software Development. [22-484](#)
Staff Contact: Sebron Flenaugh III, 891-5467

7. REGULAR CALENDAR

Finance and Audit Items - Chair Shaw

- 7.A. Consider receiving a report on updated operating financial projections. [22-505](#)
Staff Contact: Chris Andrichak, 891-4855

Operations Items - Chair Young

- 7.B. Consider whether to entertain HR Management's (HRM) appeal of the General Manager's decision to deny HRM's protest of its non-award decision under RFP 2023-1585 and to take any other actions as may be deemed necessary. [22-513](#)
1. The passage of a motion to deny the appeal or the failure of a motion to consider the appeal means that the General Manager's decision will become final. If no motion is made on this matter, it shall have the same effect as a denying the appeal and the General Manager's decision will become final.
 2. The passage of a motion to grant the appeal means the Board will schedule a hearing date to consider the appeal for a future Board meeting and notify HRM of the hearing date.
- Staff Contact: Chris Andrichak, 891-4855
Jill Sprague, 891-4816

- 7.C. Consider approving staff's requested amendment to Board Policy 471-Cancellation of Scheduled Service Policy, to address an operational issue resulting from an amendment to the policy approved by the Board on June 22, 2022. [22-194b](#)
- Staff Contact: Ramakrishna Pochiraju, 891-5448

Board Administrative Matters - President Ortiz

- 7.D. Consideration of amendments to Sections 2.11 (Selection of President/Vice President) and 8.11 (Nominating Committee) of Board Policy 101 - Board of Directors Rules for Procedure. [22-396a](#)
- Staff Contact: Linda Nemeroff, 891-7284
- 7.E. Discussion regarding the resumption of in-person public participation at future AC Transit Board of Directors meetings and provide direction to staff. (verbal) [22-515](#)
- Staff Contact: Linda Nemeroff, 891-7284
- 7.F. Discussion regarding agenda items for the annual joint meeting between the Board of Directors and Retirement Board and approve the draft agenda. [22-366](#)
- Staff Contact: Linda Nemeroff, 891-7284

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))

Robinson v. AC Transit, WCAB Case Nos. ADJ11314302, ADJ1700685

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 at least one other Director.

9.A. Review of Agenda Planning Pending List and Agenda Planning Request Forms. [22-065o](#)

10. GENERAL MANAGER'S REPORT

10.A. General Manager's Report for September 14, 2022. [22-041o](#)

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

12. ADJOURNMENT

Next Meeting: September 28, 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.