



## **ALAMEDA-CONTRA COSTA TRANSIT DISTRICT**

### **MINUTES**

#### **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

**Wednesday, January 11, 2023 at 5:00 PM**

**<https://bit.ly/3kd7imG>**

#### **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**

**1. CALL TO ORDER**

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, January 11, 2023, at 5:00 p.m.

The meeting was called to order at 3:45 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Walsh who arrived at 4:15 p.m. The Board convened in Closed Session to discuss Items 8A-8E as listed on the agenda. Closed Session concluded at 4:46 p.m.

President Young called the Board of Directors meeting to order at 5:01 p.m.

**2. ROLL CALL**

**Present:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

**3. PRESENTATION**

- 3.A.** Consider adoption of Resolution No. 23-001 Honoring the Legacy and Lifetime Achievements of Accessibility Pioneer Hale Zukas.

[23-004](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

The presentation was turned over to Director Peebles who gave an account of who Hale Zukas was as a person, a scholar and advocate and talked Mr. Zukas' passion for accessibility and public transit. Portions of the resolution were also read into the record of the meeting.

**Public Comment:**

**Eduardo Sanchez** expressed praise and admiration for the life and achievements of Hale Zukas.

MOTION: PEEPLES/SHAW to adopt Resolution No. 23-001 Honoring the Legacy and Lifetime Achievements of Accessibility Pioneer Hale Zukas. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 3.B.** Presentation on the Metropolitan Transportation Commission's Regional Network Management Short/Near-Term Framework and Proposed 180-Day Implementation Plan and Evaluation Framework.

[23-012](#)

Presenter:

Alix Bockelman, Deputy Executive Director of Policy, Metropolitan Transportation Commission

Ms. Bockelman gave the presentation and addressed clarifying questions from the Board concerning nuances of the proposal.

**Public Comment:**

**George Spies** expressed support of the proposed framework of the Metropolitan Transportation Commission's (MTC) Regional Network Management proposal and urged the Board to give its support as well.

**Adina Levin** commented on the development of the framework for the MTC's Regional Network Management and noted current MTC actions and initiatives which move the Regional Network Management proposal forward.

The matter was presented for information only.

**4. PUBLIC COMMENT**

**Jane Kramer** expressed concern that policy discussions at Board meetings act after the public input is provided and requested that the public be able to speak at end of Board discussion before the Board vote.

**Eduardo Sanchez** commented on the District's vaccination requirement and asked the Board to end it.

**5. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

**6. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)**

There was no public comment offered on the Consent Calendar.

MOTION: BECKLES/PEEPLES to receive, approve, or adopt the items on the Consent Calendar as indicated. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.A.** Consider approving Board of Directors minutes of November 9, 2022. [23-005](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: BECKLES/PEEPLES to approve the Board of Directors minutes of November 9, 2022. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.B.** Consider approving Board of Directors minutes of December 14, 2022. [23-003](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: BECKLES/PEEPLES to approve the Board of Directors minutes of December 14, 2022. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.C.** Consider the adoption of Resolution No. 23-006 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 February 10, 2023. [22-053g](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: BECKLES/PEEPLES to adopt Resolution No. 23-006 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 February 10, 2023. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.D.** Consider receiving report on the Board Policies scheduled for review and/or amendment during Calendar Year 2023. [23-010](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: BECKLES/PEEPLES to receive a report on the Board Policies scheduled for review and/or amendment during Calendar Year 2023. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.E.** Consider adoption of Resolution No. 23-005 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the California Department of Transportation for the 2023 Transit and Intercity Rail Capital Program (TIRCP) to fund the zero-emission buses and hydrogen fueling infrastructure at Division 6 in Hayward. [23-007](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: BECKLES/PEEPLES to adopt Resolution No. 23-005 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the California Department of Transportation for the 2023 Transit and Intercity Rail Capital Program (TIRCP) to fund the zero-emission buses and hydrogen fueling infrastructure at Division 6 in Hayward. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.F.** Consider receiving the Semi-Annual Retirement Board Report.

[23-026](#)

Staff Contact:

Hugo Wildmann, Retirement System Manager

MOTION: BECKLES/PEEPLES to receive the Semi-Annual Retirement Board Report. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.G.** Consider the adoption of Resolution No. 23-002 approving the revised classifications of Contracts Services Manager, Senior Contracts Specialist, Contracts Specialist, and Assistant Contracts Specialist.

[23-001](#)

Staff Contact:

Sebron Flenaugh III, Executive Director of Human Resources

MOTION: BECKLES/PEEPLES to adopt Resolution No. 23-002 approving the revised classifications of Contracts Services Manager, Senior Contracts Specialist, Contracts Specialist, and Assistant Contracts Specialist. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.H.** Consider authorizing the General Manager to execute Easement Agreements with Pacific Gas and Electric Company (PG&E) for the right to enter the District's facilities at Divisions 2, 4 and 6 from time to time to construct, reconstruct, install, inspect, and maintain PG&E owned equipment that services the District's battery electric bus infrastructure.

[23-008](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: BECKLES/PEEPLES to authorize the General Manager to execute Easement Agreements with Pacific Gas and Electric Company (PG&E) for the right to enter the District's facilities at Divisions 2, 4 and 6 from time to time to construct, reconstruct, install, inspect, and maintain PG&E owned equipment that services the District's battery electric bus infrastructure. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

## **7. REGULAR CALENDAR**

### **Board Administrative Matters - President Young**

- 7.A.** Consider report from the Nominating Committee and election of the 2023 Board President and Vice President.

[23-002](#)

Presenter:

Chair of the Nominating Committee

Director McCalley, Chair of the Nominating Committee, reported that the Committee met and unanimously nominated Director Young as President and Director Shaw as Vice President for the reasons stated in the written report presented to the Board. No other nominations were offered. There was no public comment offered.

MOTION: PEEPLES/SYED to approve the election of Director Joel Young as Board President and Director Diane Shaw as Vice President for 2023. The motion carried by the following vote:

**Ayes:** YOUNG, SHAW, SYED, McCALLEY, PEEPLES

**Abstained:** BECKLES, WALSH

**8. CLOSED SESSION/REPORT OUT**

General Counsel Jill Sprague reported out the following:

MOTION: PEEPLES/McCALLEY to approve settlement in the matter of East v. AC Transit, WCAB Case Nos. ADJ10033876; ADJ9188707; ADJ9691210; ADJ8417026; ADJ11097510; ADJ12971377; ADJ12971377; and ADJ6993353, in the amount of \$108,637.50 less advances for permanent disability of \$15,080.00 and prior Award of \$18,966.23 totaling \$74,591.27 new money. The motion carried by the following vote:

**Ayes:** PEEPLES, McCALLEY, BECKLES, SYED, SHAW, YOUNG

**Absent:** WALSH

**8.A. Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 (a))

- Ernest East v. AC Transit, Workers' Compensation Appeals Board Case Numbers: ADJ10033876; ADJ9188707; ADJ9691210; ADJ8417026; ADJ11097510; ADJ12971377; ADJ12971377; and ADJ6993353.

**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

**8.E. Threat to Public Services or Facilities**

(Government Code Section 54957(a)):

Consultation with: Salvador Llamas, Chief Operating Officer.

**9. AGENDA PLANNING**

- 9.A.** Review of Agenda Planning Pending List and Agenda Planning Request Forms. [23-028](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

The Agenda Planning request from Director Beckles was accepted as a briefing to the Board.

**10. GENERAL MANAGER'S REPORT**

- 10.A.** General Manager's Report for January 11, 2023 [23-029](#)

The General Manager's Report was presented for information only.

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

Members of the Board commented on meetings and events they attended since the last Board meeting.

**12. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 6:28 p.m. The next meeting of the Board is scheduled for January 25th at 5:00 p.m.

Respectfully submitted,

Linda A. Nemeroff

Board Administrative Officer/District Secretary