



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 3:15 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

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

1. CALL TO ORDER

The Alameda-Contra Costa Board of Directors held a meeting on Wednesday, May 24, 2023, at 5:00 p.m.

The meeting was called to order at 2:00 p.m. for the purpose of Closed Session. All Board members were present, with the exception of Director Walsh who arrived at 3:14 p.m. and Director Beckles who was absent. The Board convened in Closed Session to discuss Items 8A-8D as listed on the agenda. Closed Session concluded at 3:31 p.m.

President Young called the Board of Directors meeting to order at 5:02 p.m.

2. ROLL CALL

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

3. PRESENTATION**3.A. May Revise and Legislative Update.**[23-272](#)

Presenter:

Steve Wallauch, Platinum Advisors

Steve Wallach of Platinum Advisors provided an update on state legislative activities related to the state transportation budget and upcoming transit legislation. There were no public comments offered.

This item was presented for information only.

4. PUBLIC COMMENT

Ms. Fowles requested that Line 80 be fully restored and presented a way to fund it.

Jason asked if AC Transit would expand the ClipperStart Program to a 50% discount like Muni.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

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

MOTION: PEEPLES/McCALLEY to receive or approve the items on the Consent Calendar as indicated except for Items 6.C. and 6.G., which were pulled off the Consent Calendar by Director McCalley; Item 6.D., which was pulled off the Consent Calendar by Director Walsh; Item 6.F., which was pulled off the Consent Calendar by Director Peeples; and Item 6.H., which was pulled off the Consent Calendar by Director Shaw, for further discussion. The motion carried by the following vote:

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

6.A. Consider approving Board of Directors minutes of May 10, 2023.[23-103](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the Board of Directors minutes of May 10, 2023. The motion carried by the following vote:

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

- 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

MOTION: PEEPLES/McCALLEY to receive the FY 2022-23 Third Quarter Travel and Meeting Expense Report for Directors and Board Officers. The motion carried by the following vote:

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

- 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

Item 6.C. was pulled off the Consent Calendar by Director McCalley for clarification of language added concerning the applicability of the Lavine Act. Chief Legal Officer Jill Sprague clarified the reasons for the amended language in the policy. Director McCalley suggested that the subsection J.1. clarify that the Board President is responsible for notifying a Board Officer when issues arise concerning their conduct.

MOTION: PEEPLES/McCALLEY to approve the amendments to Board Policy 702 - Conflicts of Interest and Standards for Ethical Conduct with the inclusion of the amendment suggested by Director McCalley. The motion carried by the following vote:

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

- 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

Item 6.D. was pulled off the Consent Calendar by Director Walsh for clarification as to why the International Boulevard Project was omitted from the staff report. Senior Transportation Planner Nathan Landau and Director of Service Development and Planning Robert del Rosario reported that the International Boulevard Project was led by another agency and, therefore, was not be included in the report.

MOTION: PEEPLES/McCALLEY to receive the Quarterly Report on the District's involvement in external planning processes. The motion carried by the following vote:

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

- 6.E.** Consider receiving the Monthly Report on Investments for March 2023. [23-279](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/McCALLEY to receive the Monthly Report on Investments for March 2023. The motion carried by the following vote:

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

- 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

Item 6.F. was pulled off the Consent Calendar by Director Peeples for clarification regarding the sources of power related to on-site power generation. Executive Director of Planning & Engineering Ramakrishna Pochiraju and Director of Capital Projects Joe Calloway reported that this matter is an open-ended Request for Proposals which would allow the District to review then decide the best path forward.

MOTION: PEEPLES/McCALLEY to authorize solicitations for on-site power generation facilities to support AC Transit's operating divisions. The motion carried by the following vote:

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

- 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

Item 6.G. was pulled off the Consent Calendar by Director McCalley to announce that he was recusing himself from participation in the item on the grounds that he has stock in Bank of America. Director McCalley then left the dais and returned after the item concluded.

MOTION: PEEPLES/SHAW to authorize 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. The motion carried by the following vote:

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

Recused: McCALLEY

- 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

Item 6.H. was pulled off the Consent Calendar by Director Shaw for clarification about plans for mitigating the challenges to achieve the stated Disadvantaged Business Enterprise (DBE) goals. Program Manager for Contracts Compliance Phillip Halley reported that the District is expanding its outreach efforts with other peer agencies in the region as well as outreach to small businesses and DBE firms.

MOTION: SHAW/PEEPLES to receive the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the period of October 1, 2022 through March 31, 2023. The motion carried by the following vote:

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

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

Marketing and Communications Director Nichelle Laynes presented the Staff Report. There were no public comments offered.

MOTION: YOUNG/SHAW to receive a report on customer service metrics for the Third Quarter of Fiscal Year 2022-23. The motion carried by the following vote:

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

- 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

External Affairs Representative Steven Jones presented the Staff Report. There were no public comments offered.

MOTION: YOUNG/McCALLEY to receive the Monthly Legislative Report and approve legislative positions. The motion carried by the following vote:

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

- 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

Assistant District Secretary Jelena Harada presented the Staff Report. There were no public comments offered.

MOTION: YOUNG/McCALLEY to direct the District Secretary to fill the vacancy on the Parcel Tax Fiscal Oversight Committee by the direct appointment of a qualified candidate and that Board members provide names (of potential candidates) to the District Secretary by June 2, 2023. The motion carried by the following vote:

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

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

Chief Financial Officer Chris Andrichak presented the staff report. Director McCalley suggested a minor amendment to the policy to add the word "age" to the definition of the word "Youth".

MOTION: YOUNG/PEEPLES to approve amendments to Board Policy 333 - Fare Policy Goals and Methodology, with an additional amendment to add the word "age" to the definition of the word "Youth". The motion carried by the following vote:

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

- 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

Director of Management and Budget Richard Oslund presented the staff report. There was no public comment offered.

MOTION: YOUNG/PEEPLES to receive a report on the Proposed FY 2023-24 Operating and Capital Budgets. The motion carried by the following vote:

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

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

Director of Bus Rapid Transit David Wilkins presented the staff report.

Public Comment:

Eric Christian offered the opinion that a PLA would hurt small and minority owned businesses, stating that the vast majority of construction firms in the United States and in California were non-union.

MOTION: YOUNG/BECKLES to receive a progress report on the development of the District-Wide Project Labor Agreement. The motion carried by the following vote:

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

- 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

Senior Transportation Planner David Berman and External Affairs Representative Diann Castleberry presented the staff report.

Public Comment:

Ms. Fowles pointed out the lack of outreach to several community groups and questioned staff's efforts to reach a broad cross-section of the community.

MOTION: YOUNG/BECKLES to receive an update on progress, next steps, and upcoming engagement opportunities associated with Realign - the District's system-wide service planning effort. The motion carried by the following vote:

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

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

Director of Transportation Dwain Crawley presented the staff report. There was no public comment offered.

MOTION: YOUNG/PEEPLES to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Third Quarter of Fiscal Year 22-23. The motion carried by the following vote:

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

- 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

Protective Services Manager Kerry Jackson presented the staff report. There was no public comment offered.

MOTION: YOUNG/PEEPLES to receive the Protective Services Report for the Third Quarter of FY 22-23. The motion carried by the following vote:

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

8. CLOSED SESSION/REPORT OUT

General Counsel Jill Sprague reported out on the following:

MOTION: PEEPLES/MCCALLEY to approve settlement in the amount of \$250,000 in the matter of Jackson v. AC Transit, Alameda County Superior Court Case No. RG18890256. The motion carried by the following vote:

AYES: PEEPLES, MCCALLEY, WALSH, SYED, SHAW, YOUNG

ABSENT: BECKLES

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

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

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

There were no new items added to Agenda Planning.

10. GENERAL MANAGER'S REPORT

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

The report was presented for information only.

11. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

Members of the Board commented on meetings, conferences, and events attended since the last Board meeting. Director Walsh reported on travel to the National Association of City Transportation Officials 2023 Designing Cities conference in Denver, Colorado.

12. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 7:58 p.m. The next meeting of the Board is scheduled for June 14, 2023 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary