

AGENDA
Board of Directors Meeting
Alameda-Contra Costa Transit District
2nd Floor Board Room
1600 Franklin Street
Oakland, CA 94612

Wednesday, October 14, 2009
6:00 p.m.

Board of Directors:	Ryan "Rocky" Fernandez, President (Director Ward IV)
H. E. Christian Peeples, Vice President (Director at Large)	Elsa Ortiz, Director Ward III
Joe Wallace, Director Ward I	Jeff Davis, Director Ward V
Greg Harper, Director Ward II	Joel B. Young, Director at Large

Please set cell phones and pagers on silent mode as a courtesy to those in attendance

Roll Call

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. Speakers wishing to address a specific agenda item will be invited to address the Board at the time the item is being considered. All individuals addressing the Board should limit their comments to 2 minutes.

Consent Calendar

Items listed under the Consent Calendar are considered to be routine and may be enacted by one motion/one vote. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually.

1. Finance and Audit Committee (September 30, 2009 Meeting) Recommendations:

Receive

- a. Finance and Audit Committee minutes of September 9, 2009.
- b. Monthly report on the budget and ten-year projections (GM Memo No. 09-211).
- c. Report on non-traditional ways to increase advertising revenue (Requested by Director Davis – 3/11/09) (GM Memo No. 09-157).

Approve

- d. Adoption of **Resolution No. 09-050** authorizing the General Manager to submit and execute all agreements/documentation for an allocation of Regional Measure 2 (RM2) funding for the Richmond Parkway Transit Center-Phase II-Design and Engineering (GM Memo No. 09-229).

2. Planning Committee (September 30, 2009 Meeting) Recommendations:

Receive

- a. Planning Committee minutes of June 24, 2009.

- b. Report on the effective use of Transit Signal Priority (TSP) in Rapid corridors (Requested by Committee – 6/24/09) (GM Memo No. 09-226).
- c. Report on AC Transit's possible participation in Environmental Management Systems (EMS) Training and Assistance Program Class and ISO 14401 Certification (Requested by Vice President Peebles – 9/24/08) (GM Memo No. 09-191).

3. Board Matters

- a. Consider approving Board of Directors minutes of September 25, 2009.
- b. Consider approving Board of Directors minutes of September 30, 2009 (without attachment).
- c. Consider approving Board of Directors minutes of October 2, 2009.
- d. Consider approving Board of Directors minutes of October 6, 2009.
- e. Consider adoption of **Resolution No. 09-052** expressing appreciation to Richard Winnie for dedicated service to the AC Transit Retirement Board.
- f. Consider authorizing members of the Board of Directors to attend the Transportation Research Board's 89th Annual Meeting, January 10-14, 2010, in Washington, DC (DS Memo No. 09-238).

Regular Calendar

- 4. Consider receiving update on discussions with the Metropolitan Transportation Commission (MTC) regarding the BRT funding shift, provide direction to staff on further actions, and take appropriate actions regarding the establishment of the funding task force and related matters. (verbal)
- 5. Consider receiving report concerning postponing the implementation of the 2009 Service Adjustments Plan (SAP) (GM Memo No. 09-217b).

Staff Contact: Nancy Skowbo, 891-4716

- 6. Consider adoption of **Resolution No. 09-051** regarding a policy to buy American (BRD Memo No. 09-233a) [Finance Committee recommendation of September 30, 2009, to amend Section 1 of the resolution.]
- 7. Consider adoption of **Resolution No. 09-055** confirming the approval of a collective bargaining agreement with Amalgamated Transit Union, Local 192 (Paratransit) (GM Memo No. 09-241).

Staff Contact: Ken Scheidig, 891-7178

- 8. Discussion regarding the meeting schedule for the months of November and December (verbal).

Staff Contact: Linda Nemeroff, 891-7284

9. Consider verbal reports from the Chair of the External Affairs Committee on legislative matters (Note: Pursuant to Policy No. 100, the Board may take action on legislative matters requiring immediate action.)
10. Report on actions(s) taken during Closed Session [Will be reported after the conclusion of Closed Session.]

Board/Staff Comments (Government Code Section 54954.2)

Agenda Planning

CLOSED SESSION:

Conference with Legal Counsel – Existing Litigation:
(Government Code Section 54956.9 Subdivision (a))

Benton v. AC Transit, Case No. CV08-1073 JCS

Quarterly Litigation Report

AC Transit, et al. v. Calif. Dept. of Transportation, ACSC No. 801522-0 (Fallon St.);
Harbor v. AC Transit, U.S. Dist. Ct. (No.Cal.Dist.), No. C05-5211 MMC;
Pacheco v. AC Transit, U.S. Dist. Ct. (No.Cal.Dist.), No. C07-4415 MMC;
Benton v. AC Transit, U.S. Dist. Ct. (No.Cal.Dist.), No. CV08-1073 JCS;
ATU Local 192 v. AC Transit, ACSC No. RG06-262943 (Fallon St.);
Gilmer, et al. v. AC Transit, U.S. Dist. Ct. (No.Cal.Dist.), No. C08-05186 CW;
Motor Coach Industries, Inc. v. AC Transit, ACSC No. RG07-326173 (Fallon St.); and
Claim of Yip, Claim No. 08-3282.

In addition, there is an annual report to the State Water Resources Control Board concerning storm water discharge violations for Divisions 2, 4 and 6.

Labor Negotiations – Board Officers: (Government Code Section 54957.6)

Committee Negotiators: Director Davis, Chair
Director Wallace
Director Young

Public Employee Performance Evaluation: (Government Code Section 54957)

Title: General Manager
Title: General Counsel
Title: District Secretary

Adjournment

Linda A. Nemeroff
District Secretary