The Alameda-Contra Costa Transit District Board of Directors held a regular meeting on Wednesday, February 16, 2005. The meeting was called to order at 3:50 p.m. with President Wallace presiding.

Roll Call

Upon call of the roll, the following Board members responded with their names: Directors Jaquez, Hayashi, Bischofberger, Peeples, Vice President Harper, President Wallace – 7

Directors absent: Director Kaplan - 1

Public Comment

No public comment was offered.

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.

MOTION: PEEPLES/HARPER to approve the Consent Calendar, Items 1 and 2, as presented (6-0-0-1)

Ayes: Director Peeples, Vice President Harper, Directors Jaquez, Hayashi, Bischofberger, President Wallace – 6

Noes: None – 0

Abstain: None – 0

Absent: Director Kaplan - 1

1. Planning Committee (February 2, 2005 meeting) recommendations:

Receive Planning Committee minutes of January 5, 2005.

2. Board Matters:

Consider approving Board minutes of February 2, 2005.
Regular Calendar

3. **External Affairs Committee (February 16, 2005 meeting).**
   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.)

   **MOTION: PEEPLES/WALLACE to Support ACA 4 (Plesc ia) Transportation Investment Fund:** Would delete provision authorizing the Governor/Legislature to suspend the transfer of Proposition 42 funds from the General Fund to the Transportation Investment Fund.

   **MOTION: PEEPLES/HAYASHI to Support ACA 7 (Nation) Local Government Taxation:** Would amend the Constitution to allow a city, county or special district to impose a special tax with 55% voter approval.

   **MOTION: PEEPLES/WALLACE to Watch AB 54 (McLeod) State Property:** Would require General Services to update the statewide inventory of real property by January 1, of each year.

   **MOTION: PEEPLES/WALLACE to Watch SB 99 (Battin) State real property:** Review of the statewide inventory of real property would now include properties owned by Caltrans that are currently exempt. All right-of-way currently owned by Caltrans would be at risk of being sold upon the recommendation of the Commission.

   **MOTION: PEEPLES/HAYASHI to Watch SR 8 (Torlakson) Relative to Transportation and Housing:** States that the Senate places a high priority on improving access to housing and reducing traffic congestion by promoting affordable housing, infill development, and other policies that allow people to live closer to their workplaces.

4. **Report on action(s) taken during Closed Session [Will be reported after the conclusion of Closed Session.]**

   There was nothing to report.

Board/Staff Comments (Government Code Section 54954.2)

**Agenda Planning**

President Wallace recessed the meeting at 4:05 p.m. to convene the Financing Corporation meeting. The Board of Directors reconvened at 4:10 p.m., whereupon General Counsel announced that the Board is adjourning to Closed Session to discuss the items listed on the agenda.
CLOSED SESSION:

Conference with Legal Counsel – Potential Litigation
(Government Code Section 54956.9 Subdivision (b) (1) One Case

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

Quarterly Litigation Report (October – December 2004)
AC Transit, et al. v. Calif. Dept. of Transportation, ACSC No. 801522-0 (Fallon St.)
E. Williams v. AC Transit, et al., ACSC No. 2002-068133 (Fallon St.)
Dowdell v. AC Transit, ACSC No. RG03-121015 (Fallon St.)
L. Edwards v. AC Transit, ACSC No. RG04177456 (Fallon St.)
C. Douglas v. ATU & Cross-Action v. AC Transit, ACSC No. RG03-132317 (Fallon St.)
R. Wilkerson v. AC Transit, ACSC No. RG04-153195 (Fallon St.)
L. Brown v. AC Transit, ACSC No. RG04-180332 (Fallon St.)
Freed/Craig v. AC Transit, ACSC No. 2002-064422 (Fallon St.)
Freed v. AC Transit, ACSC No. 2002-076321 (Fallon St.)
Collins v. AC Transit, ACSC No. HG03-095687 (Hayward)
J. Williams, et al., ACSC No. RG04-183250 (Fallon St.)
S. Robinson, ACSC No. WG03-114529 (Washington St.)
Claims of Neely (04-0132) and Beeks (04-1185)
Livable Streets Network, et al. v. AC Transit, ACSC No. RG03-086477 (Hayward)
67 Neighbors Against Big Diesel Buses v. AC Transit, ACSC No. RG04-145607 (Hayward).

Conference with Labor: (Government Code Section 54957.6)
Agency Negotiator: General Manager
Employee Organization: Paratransit, Local 192, ATU Local 192,
AFSCME, Local 3916; IBEW, Local 1245
Unrepresented Employees

Agency Negotiator: Richard Whitmore, Liebert Cassidy Whitmore
Employee Organization: Board Officers

Public Employee Performance Evaluation: (Government Code Section 54957)
Title: General Manager
Title: General Counsel
Title: District Secretary

Adjournment
There being no further business to come before the Board of Directors, the meeting was adjourned at 5:00 p.m. The next regular meeting of the Board is scheduled for Wednesday, March 2, 2005, at 2:00 p.m.

Respectfully submitted,

[Signature]
Rose Martinez
District Secretary