The Alameda-Contra Costa Transit District Board of Directors held a special meeting on Wednesday, December 13, 2006.

The meeting was called to order at 2:13 p.m., with President Harper presiding.

Roll Call

Upon call of the roll, the following Board members responded with their names: Directors Wallace, Ortiz, Fernandez, Davis, Kaplan, Peeples, President Harper – 7

Directors Absent: None

1. Consider receipt of Certificate of Election Results for the Alameda-Contra Costa Transit District Board of Directors (DS Memo No. 06-270).

MOTION: PEEPLES/WALLACE to receive report as presented (4-0-0-0) [Prior Board Members Vote Only]

Ayes: Directors Peeples, Wallace, Kaplan, President Harper (4-0-0-0).
Noes: None – 0
Abstain: None – 0
Absent: None – 0

Administration of Oath of Office to newly elected and re-elected Board members:

- Elsa Ortiz, Ward III
- Rocky "Rocky" Fernandez, Ward IV
- Jeff Davis, Ward V
- Rebecca Kaplan, Director at Large

The District Secretary administered the Oath of Office to Directors Ortiz, Fernandez, Davis, and Kaplan.
Items were taken out of sequential order. However, they are reported in sequential order in the minutes for ease in reading.

Presentations

- Adoption and presentation of Resolution No. 06-050 honoring Robin Little on the occasion of his retirement from AC Transit.

**MOTION: PEEPLES/WALLACE** to adopt Resolution No. 06-050 as presented (7-0-0-0).

Ayes: Directors Peeples, Wallace, Ortiz, Fernandez, Davis, Kaplan, President Harper—7
Noes: None – 0
Abstain: None – 0
Absent: None – 0

- Adoption and presentation of Resolution No. 06-051 honoring Donna Pate on the occasion of her retirement from AC Transit.

**MOTION: PEEPLES/WALLACE** to adopt Resolution No. 06-051 as presented (7-0-0-0).

Ayes: Directors Peeples, Wallace, Ortiz, Fernandez, Davis, Kaplan, President Harper—7
Noes: None – 0
Abstain: None – 0
Absent: None – 0

- Adoption and presentation of Resolution No. 06-049 honoring Sheriff Charles C. Plummer on the occasion of his retirement from the Alameda County Sheriff’s Department.

**MOTION: PEEPLES/WALLACE** to adopt Resolution No. 06-049 as presented (7-0-0-0).

Ayes: Directors Peeples, Wallace, Ortiz, Fernandez, Davis, Kaplan, President Harper—7
Noes: None – 0
Abstain: None – 0
Absent: None – 0

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: WALLACE/KAPLAN to approve the consent calendar as presented with the exception of item 2f which was pulled by President Harper for discussion (7-0-0-0).

Ayes: Directors Wallace, Kaplan, Ortiz, Fernandez, Davis, Peeples, President Harper—7
Noes: None – 0
Abstain: None – 0
Absent: None – 0

2. Finance Committee (November 15, 2006 meeting) recommendations:
   Receive
   a. Finance Committee minutes of October 18, 2006.
   b. Retirement Board minutes of August 31, 2006 and September 14, 2006 (GM Memo No. 06-245).
   c. Board/Officers Travel & Meeting Expense Report (DS Memo No. 06-246).

   Approve
   f. Recruitment of two public members and one non-ATU member to the AC Transit Retirement Board (DS Memo No. 06-252).
   g. FY 2007-08 and FY 2008-09 Proposed Biennial Budget Development Process and Calendar (GM Memo No. 06-259).

3. Board Matters
   a. Consider approving Board minutes of November 15, 2006 and December 1, 2006.
   b. Consider authorizing the General Counsel to attend the APTA Legal Affairs Seminar in Charleston, South Carolina on February 3 – 7, 2007 (GC Memo No. 06-266).

Item 2f was pulled by President Harper
Recruitment of two public members and one non-ATU member to the AC Transit Retirement Board (DS Memo No. 06-252)

Discussion was had regarding the selection of the non-ATU member position and whether the Board desired to change the composition of the Retirement Board.
The General Counsel clarified that the one position designated as the non-ATU member is an at-large position among employees other than ATU and that if the Board desired to change the composition the Ordinance setting forth the membership would need to be changed.

There was consensus to leave the composition of the Retirement Board unchanged.

**MOTION: WALLACE/KAPLAN** to approve as recommended the recruitment of two public members and one non-ATU member for the Retirement Board (7-0-0-0).

Ayes: Directors Wallace, Kaplan, Ortiz, Fernandez, Davis, Peeples, President Harper—7

Noes: None – 0

Abstain: None – 0

Absent: None – 0

**Regular Calendar**

4. **External Affairs Committee (December 1, 2006 meeting) recommendations:**
   Consider adoption of the State Advocacy Program for 2007 (GM Memo No. 06-264).

Jim Gliech, Deputy General Manager, introduced Lynn Suter and Steve Wallauch of Lynn Suter and Associates.

Lynn Suter congratulated the new members of the Board and provided an update on the status of the legislature in Sacramento and the potential challenges associated with having 34 new members.

Steve Wallauch presented an update on legislative matters including the approval of the Head Signs Bill; the transportation bonds, including the introduction of possible legislation to create an oversight committee for the bonds; and pay increases for board members.

[Director Kaplan requested that RM3 and bills regarding SmartGrowth (Transit oriented development) be added as a watch items in the future.]

**MOTION: KAPLAN/PEEPELLES** to adopt the State Advocacy Program for 2007 (7-0-0-0).

Ayes: Directors Kaplan, Peeples, Wallace, Ortiz, Fernandez, Davis, President Harper—7

Noes: None – 0

Abstain: None – 0

Absent: None – 0
5. Consider the report from the Measure BB Oversight Committee on Fiscal Year 2005-2006 Measure BB tax proceeds. (GM Memo No. 06-256).

**MOTION:** PEEPLES/KAPLAN to approve the report as presented (7-0-0-0).

Ayes: Directors Peeples, Kaplan, Wallace, Ortiz, Fernandez, Davis, President Harper—7

Noes: None – 0

Abstain: None – 0

Absent: None – 0


**MOTION:** WALLACE/KAPLAN to approve report as presented (7-0-0-0).

Ayes: Directors Wallace, Kaplan, Ortiz, Fernandez, Davis, Peeples, President Harper—7

Noes: None – 0

Abstain: None – 0

Absent: None – 0

7. **Finance Committee (November 15, 2006) meeting recommendations:**

**MOTION:** PEEPLES/WALLACE to adopt Resolution No. 06-048 as presented (7-0-0-0).

Ayes: Directors Peeples, Wallace, Ortiz, Fernandez, Davis, Kaplan, President Harper—7

Noes: None – 0

Abstain: None – 0

Absent: None – 0

    b. Consider receiving update of Fiscal Policy No. 320, Debt Limitations (GM Memo No. 06-253).
MOTION: PEEPLES/WALLACE to approve update of Fiscal Policy 320 as presented (7-0-0-0).

Ayes: Directors Peeples, Wallace, Ortiz, Fernandez, Davis, Kaplan, President Harper—7
Noes: None – 0
Abstain: None – 0
Absent: None – 0


MOTION: PEEPLES/ORITZ to receive the report as presented (7-0-0-0).

Ayes: Directors Peeples, Ortiz, Wallace, Fernandez, Davis, Kaplan, President Harper—7
Noes: None – 0
Abstain: None – 0
Absent: None – 0

9. Consider authorizing the General Manager to enter into contracts with environmental firms to work for AC Transit on an as needed basis (GC Memo No. 06-269).

MOTION: WALLACE/PEEPLES to authorize the General Manager to enter into contracts with environmental firms as recommended (7-0-0-0).

Ayes: Directors Wallace, Peeples, Ortiz, Fernandez, Davis, Kaplan, President Harper—7
Noes: None – 0
Abstain: None – 0
Absent: None – 0

10. Consider authorizing the General Manager to invite two representatives from the Metropolitan Transportation Commission (MTC) to visit Van Hool (GM Memo No. 06-271).

MOTION: WALLACE/PEEPLES to approve with a friendly amendment that President Harper be consulted with by the General Manager and allowed to provide input as to who goes on the trip (7-0-0-0).
Ayes: Directors Wallace, Peeples, Ortiz, Fernandez, Davis, Kaplan, President Harper—7
Noes: None – 0
Abstain: None – 0
Absent: None – 0

11. Discussion concerning Standing Committee and Board/Liaison Committee assignments (verbal).

The District Secretary will provide to the Board a list of all standing and liaison committees, including meeting times and voting rights, and will survey all the Board members as to their preferences. A workshop will be held on January 3, 2007, to discuss the assignments.

12. Announcement of nominating committee for the selection of Board President and Vice President for calendar year 2007 (verbal).

President Harper announced that the nominating committee would consist of Director Wallace, Director Ortiz, and Director Kaplan.

13. Report on actions(s) taken during Closed Session [Will be reported after the conclusion of Closed Session.]

MOTION: PEEPLES/KAPLAN and unanimously approved (7-0) to authorize the General Counsel to sign a letter to Judge Sabraw in Livable Streets v. AC Transit agreeing to allow her honor to participate as the settlement judge and if settlement is unsuccessful to act as the deciding judge on any attorney fee motion.

Board/Staff Comments (Government Code Section 54954.2)

Agenda Planning
Referred to External
Director Kaplan requested that we re-review the Designing with Transit program [Staff advised that this matter was scheduled for January].

At 4:09 p.m. the General Counsel announced that the Board was adjourning to closed session to discuss items listed on the Closed Session agenda.

CLOSED SESSION:

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

Livable Streets Network, et al v. AC Transit, Alameda County Superior Court No. RG03086477.
Quarterly Litigation Report


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

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 adjourned at 4:45 p.m. The next regular meeting of the Board of Directors is scheduled to be held on Wednesday, January 3, 2007, at 2:00 p.m.

Respectfully submitted,

Linda Nemeroff
District Secretary