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

Wednesday, June 30, 2010
5:00 p.m.

Teleconference:
Joel B. Young, Director At-Large
100 Hegenberger Road, Suite 150
Oakland, CA 94621

Teleconference:
Director Jeff Davis, Ward V
500 Westlake Avenue
Daly City, CA 94014

Prior to the start of the meeting, the General Counsel confirmed that all requirements of the Ralph M. Brown Act (Govt. Code Sections 54950, et seq.) and the provisions of Board Policy 100, Section 4.8 regarding teleconferenced meetings were met in order for Directors Young and Davis to participate in the meeting and advised that all votes must be taken by roll call vote.

The Alameda-Contra Costa Transit District Board of Directors held a Special meeting on Wednesday, June 30, 2010.

The meeting was called to order at 5:06 p.m. with President Fernandez presiding.

Roll Call
Upon call of the roll, the following Board members responded with their names: Directors Wallace, Harper, Davis, Peeples, Young, Vice President Ortiz, President Fernandez.

Directors Absent: None.

Public Comment
No public comment was offered.

Regular Calendar

1. Consider adoption of Resolution No. 10-035 authorizing the Interim General Manager, or her designee, to file an application for Federal Transit Administration (FTA) Section 5339 Alternatives Analysis for the study of the Broadway-College Corridor, committing the necessary local match funds for the project, and stating assurances to complete the project (GM Memo No. 10-155a).
[A copy of GM Memo No. 10-155a was provided at the meeting for the Board’s consideration.]

There was no discussion of the item.

**MOTION: PEEPLES/WALLACE** to adopt Resolution No. 10-035 authorizing the Interim General Manager, or her designee, to file an application for Federal Transit Administration (FTA) Section 5339 Alternatives Analysis for the study of the Broadway-College Corridor, committing the necessary local match funds for the project, and stating assurances to complete the project (7-0-0-0).

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

2. Consider cancelling the Operations Committee, External Affairs Committee, and the Board of Directors meetings scheduled for July 7, 2010 and rescheduling them to another date. (verbal)

The Board discussed the possibility of moving the meeting to July 14, 2010, which was the regular meeting day. Director Young advised that he would not be available on that day.

Interim General Manager Mary King advised that the Board was being asked to reschedule the meetings because a verdict was expected in the Mesherle trial and the General Offices would close upon notification from the Oakland Police Department (OPD) that a verdict had been reached. In addition, she advised that due to the number of items on the agendas, staff would need additional time to prepare reports.

**Public Comment:**
Claudia Hudson, President of ATU Local 192, inquired if any plans had been put in place for the bus operators that would have to travel through 14th and Broadway in Oakland. [Ms. King advised that all employees, including operators, would be notified after the District received notification from the OPD and that dispatch would be diverting buses as necessary.]

**MOTION: WALLACE/PEEPLES** to cancel the Committee and Board of Directors meetings scheduled for July 7, 2010 and reschedule them to July 14, 2010 (7-0-0-0).

Ayes: Directors Wallace, Peeples, Harper, Davis, Young, Vice President Ortiz, President Fernandez – 7
Noes: None – 0
Abstain: None – 0
Absent: None – 0
At 5:15 p.m. the General Counsel announced that the Board would convene in Closed Session to discuss the items listed on the Closed Session agenda. Closed Session adjourned at 6:53 p.m.

General Counsel Ken Scheidig advised that Director Young would not participate on Agenda Item Nos. 3 (Conference with Labor) and 5 because of his employment as Political Director for the Central Labor Council of Alameda County, AFL-CIO. The General Counsel ruled that a conflict-of-interest existed on the aforementioned items.

3. CLOSED SESSION:

Threat to Public Services or Facilities (Government Code Section 54957)
Consultation with: Larry Perea, Chief of Protective Services

Labor Negotiations – Board Officers: (Government Code Section 54957.6)
Negotiator: President Ryan "Rocky" Fernandez

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

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

There was nothing to report out of Closed Session.

5. Consider adoption of Resolution No. 10-038 imposing amendments to the existing Collective Bargaining Agreement with the Amalgamated Transit Union, Local 192 scheduled to expire on June 30, 2010 (GC Memo No. 10-168).

[A copy of GC Memo No. 10-168 was provided at the meeting for the Board’s consideration.]

There was no discussion of the item.

Public Comment:
- Claudia Hudson, President of ATU Local 192, requested a copy of the resolution and commented that ATU would not allow the District to provoke a strike rather than to continue talks with a neutral arbitrator. She added that a court hearing had been set for July 16th, noting that ATU wanted a fair contract and to continue the highest level of safety and service for the riders. She requested that the District honor ATU’s commitment to continue negotiations.

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Ms. Hudson later commented on the receipt of the District's last and final offer, noting that she had not had an opportunity to review it. She stated that the word "negotiation" meant to reach an agreement through discussion and compromise, noting that the District had failed to fully engage in the process. She concluded her remarks by saying that the District's new leadership was less effective at negotiating than the former General Manager.

- Peter Saltzman, Legal Counsel for ATU Local 192, attempted to set the record straight with regard to several erroneous recitals outlined in the resolution. He commented specifically on the last Whereas on page 1 of the resolution which sets forth that “…ATU walked out of the mediation session ending negotiations”. He advised that the union had asked the mediator to inform the District that they wanted to meet with the negotiating team to discuss the last, best and final offer, which was not the same last, best and final offer before the Board, in addition to some outstanding information requests.

He further advised that the mediator was asked to request that the District agree to additional bargaining dates and an extension of the contract as well as its intentions were, noting that the mediator returned within an hour and advised that the District had declined all requests. He added that the union was available all day to meet with the District, but did not hear from the District. He further stated that that the union did not believe the parties were at impasse; advising that there were more days of mediation than there were of bargaining.

With regard to the request for interest arbitration, Mr. Saltzman commented that the effort was a good faith attempt to impose a discipline and process which the union felt would enable the parties to resolve their differences without damage to the relationship and without a strike. He added that he was very disturbed to hear the District tell the court that it preferred to see the union strike rather than to go to interest arbitration because it would be cheaper for the District. He added that he did not believe a strike was in the best interest of the District or the riders and that interest arbitration served the interest of all parties and encouraged the Board not to adopt the resolution and to go to interest arbitration.

Director Harper commented that he believed the parties were at impasse because the District was less than 50% of where it needed to get to over the next three years.

**MOTION: HARPERS/DAVIS to adopt Resolution No. 10-038 imposing amendments to the existing Collective Bargaining Agreement with the Amalgamated Transit Union, Local 192 scheduled to expire on June 30, 2010 (6-0-0-0).**

**Ayes:** Directors Harper, Davis, Wallace, Peeples, Vice President Ortiz, President Fernandez – 6

**Noes:** None – 0

**Abstain:** None – 0

**Absent:** None – 0
Adjournment
There being no further business to come before the Board of Directors, the meeting was adjourned at 7:08 p.m.

Respectfully submitted,

Linda A. Nemeroff
District Secretary