

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

**Wednesday, September 22, 2010**

**4:30 p.m. Closed Session**  
**6:00 p.m. Regular Meeting**

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

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

**Roll Call**

**General Manager's Report**

Presented by Mary V. King

**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 1, 2010 meeting) recommendation:**  
Consider receiving the Finance and Audit Committee minutes of July 28, 2010.
2. **External Affairs Committee (September 1, 2010 meeting) recommendations:**  
**Receive**
  - a. External Affairs Committee minutes of July 14, 2010.
  - b. Monthly updates on federal, state, regional and local legislation and related actions (GM Memo No. 10-201).
3. **Board Matters**  
Consider approving Board of Directors minutes of September 1, 2010.

## Regular Calendar

### 4. Consideration of the following cost reduction alternatives:

- Consider adoption of **Resolution No. 10-045** approving the December 2010 Service Reduction Plan for Special Transit Service Districts One and Two, pending receipt of a Final Title VI Disparate Impacts Study (GM Memo No. 09-217j);
- Consider authorizing the Interim General Manager to begin transitional activities to close AC Transit's Division 8 Paratransit Unit including issuance of layoff notices, execution of lease agreements and renegotiation of provider rates to be effective no later than December 27, 2010 (GM Memo No. 10-217).

### 5. Consider authorizing the Interim General Manager to enter into a nine month extension of the Dumbarton Bridge Express Service Cooperative Agreement through June 30, 2011 (GM Memo No. 10-036a) *[Request to forward to the Board of Directors the same day for action pursuant to Board Policy 100, Section 5.5.4]*

Staff Contact: Cory LaVigne, 891-4846

### 6. Consider adoption of **Resolution No. 10-049** amending Resolution No. 10-033 to remove from the Locally Preferred Alternative the requirement for curb-side stations with level boarding in the City of Berkeley and to complete the Final Environmental Impact Study/Report for the Berkeley-Oakland-San Leandro Corridor (GM Memo No. 10-212) *[Request to forward to the Board of Directors the same day for action pursuant to Board Policy 100, Section 5.5.4].*

Staff Contact: Tina Spencer, 891-4846

### 7. Consider approving submittal to the State Clearinghouse and notice to the public of the Initial Study/Proposed Mitigated Negative Declaration for the Richmond Parkway Transit Center (GC Memo No. 10-208) *[Request to forward to the Board of Directors the same day for action pursuant to Board Policy 100, Section 5.5.4.]*

Staff Contact: Ken Scheidig, 891-7178

### 8. Consider approving the agenda for the Board Retreat scheduled for Wednesday, September 29, 2010 (DS Memo No. 10-216a).

Staff Contact: Linda Nemeroff, 891-7284

### 9. 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 – Potential Litigation:**

(Government Code Section 54956.9 Subdivision (b)) (Two Cases)

##### **Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 Subdivision (a))

- *Amalgamated Transit Union, Local 192, AFL-CIO v. AC Transit*, ACSC Case No. RG 10522627
- *Ruth Yip v. AC Transit*, ACSC Case No. RG10499674, Claim No. 08-3282
- *Patricia Bell v. AC Transit*, ACSC Case Not HG09441832, Claim No 08-2729
- *Claim of Ju Hua Zheng*, Claim No. 11-09-1980-A4

##### **Quarterly Litigation Report**

- *AC Transit, et al. v. Calif. Dept. of Transportation*, ACSC No. 801522-0;
- *Harbor v. AC Transit*, ACSC No. HG05-192887;
- *Pacheco v. AC Transit*, U.S. Dist. Ct. (No.Cal.Dist.), No. C07-4415 MMC;
- *Singh v. AC Transit*, ACSC No. RG09-461559;
- *Morrison v. AC Transit*, ACSC No. RG09-452711;
- *Harvey v. AC Transit*, ACSC No. RG10-495324;
- *ATU Local 192 v. AC Transit*, ACSC No. RG06-262943;
- *Gilmer, et al. v. AC Transit*, U.S. Dist. Ct. (No.Cal.Dist.), No. C08-05186 CW;
- *ATU Local 192 v. AC Transit*, ACSC No. RG10-522627;
- *García v. AC Transit*, ACSC No. HG10-494060;
- *King v. AC Transit*, ACSC No. RG09-438696;
- *Isono v. AC Transit*, ACSC No. RG10-507135;
- *Allen v. AC Transit*, ACSC No. RG09-483365; and
- *Claims of Shew* (09-3556) and *Dueñas* (09-3033).

##### **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

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

Negotiator: President Ryan “Rocky” Fernandez

##### **Public Employee Performance Evaluation:** (Government Code Section 54957)

Title: General Manager

Title: General Counsel

Title: District Secretary

### **Adjournment**

Linda A. Nemeroff  
District Secretary