The Alameda-Contra Costa Transit District Board of Directors held a special meeting on Wednesday, December 16, 2009.

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 Policy 100, Section 4.8 regarding teleconf erenced meetings were met in order for Director Ortiz to participate in the meeting and advised that all votes must be taken by roll call vote.

The meeting was called to order at 4:35 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, Young, Vice President Peeples, President Fernandez.

Directors Absent: Director Ortiz – 1 (Absent from Closed Session only)

At 4:36 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 5:36 p.m.

At 6:04 p.m., the Board convened the Board of Directors meeting. All Board members were present, including Director Ortiz who participated via teleconference.

General Manager’s Report

Presented by Mary V. King

Interim General Manager Mary King asked Chief of Protective Services Larry Perea to introduce the new lieutenant of the AC Transit Police Unit. Mr. Perea introduced Lieutenant
Joe Hoeber with the Alameda County Sheriff’s Office. Lieutenant Hoeber greeted the Board and announced that he was looking forward to working with the District.

Ms. King provided a report on the following activities:
- Ongoing assessment of District Operations;
- Meeting with union representatives regarding District finances;
- Outreach activities for planned service changes;
- Transbay service;
- Line 72 shooting incident;
- Meeting with the Metropolitan Transportation Commission regarding the financial review of the District;
- Pension fund contribution calculation changes;
- MTC’s decision to change the name of Translink to Clipper; and
- Customer Appreciation Day activities.

**Presentation by Chief Financial Officer Lewis Clinton:**
- Award in Excellence in Financial Reporting.

Mr. Clinton announced that the District’s Finance Department had been awarded a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada.

**Public Comment**
Christopher Lien, Berkeley resident, commented in opposition to the Bus Rapid Transit Project in Berkeley, noting that citizens were concerned about past expenditures by AC Transit for Van Hool buses. He further added that he would be forwarding a complaint to the Grand Jury regarding the mismanagement of the District.

**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 as presented with the exception of Item Nos. 1f and 1g, which were pulled by Director Ortiz (7-0-0-0).

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

1. **Finance and Audit Committee (December 9, 2009 Meeting) Recommendations:**
   - **Receive**
     a. Finance and Audit Committee minutes of November 18, 2009.
     b. Retirement Board minutes of October 22, 2009 (GM Memo No. 09-287).
d. Annual report on externally funded Welfare-to-Work Grant and Lifeline funding (GM Memo No. 09-264).

Approve

e. Adoption of Resolution No. 09-062 approving the Third Amended and Restated Fiscal Agreement regarding the Fremont Industrial Redevelopment Project (GM Memo No. 09-293).


Item 1f was pulled by Director Ortiz to comment that as the author of the Buy America resolution she appreciated the Committee’s decision to postpone the discussion on the implementation of the Buy America provisions until January when she could be present for the discussion.

MOTION: PEEPLES/ORTIZ to approve amendments to Board Policy 350 as presented (7-0-0-0).

Ayes: Vice President Peeples, Directors Ortiz, Wallace, Harper, Davis, Young, President Fernandez – 7

Noes: None – 0

Abstain: None – 0

Absent: None – 0

g. Approval of amendments to Board Policy 180A – Travel, Meeting, and Miscellaneous Expense Reimbursements for Directors and Officers (DS Memo No. 09-298).

Item 1g was pulled by Director Ortiz to comment that she was abstaining on the item because she did not know the reason for the amendment to the policy.

MOTION: PEEPLES/YOUNG to approve amendments to Board Policy 180A as presented (6-0-1-0).

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

Noes: None – 0

Abstain: Director Ortiz – 1

Absent: None – 0

2. Parcel Tax Oversight Committee

Consider receiving report from the District’s Parcel Tax Fiscal Oversight Committee on Fiscal Year 2008-2009 Measure BB tax proceeds (GM Memo No. 09-289).

3. Board Matters

a. Consider approving Joint Board of Directors and Financing Corporation minutes of December 9, 2009.
b. Consider adoption of joint resolution of appreciation for Robert McCleary upon his retirement from the Contra Costa Transportation Authority (GM Memo No. 09-300).

Regular Calendar

4. Consider award of a contract to Mason Tillman Associates, LTD, for consultant services related to the District’s Small Local Business Enterprise (SLBE) and Disadvantaged Business Enterprise (DBE) Programs (GC Memo No. 09-299).

General Counsel Ken Scheidig presented the staff report.

There was no discussion of the item.

Public Comment:
Bernard Ashcraft commented that the Bay Area Business Roundtable supported the Board’s award of the contract to Mason Tillman. He further requested that the Business Roundtable be allowed to submit parameters for the search of a permanent General Manager.

MOTION: HARPER/ORTIZ to award a contract to Mason Tillman Associates, LTD, for consultant services related to the District’s Small Local Business Enterprise (SLBE) and Disadvantaged Business Enterprise (DBE) Programs (7-0-0-0).

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

5. Consider adoption of Resolution No. 09-053 approving the Revised Service Adjustments Plan for Special Transit District One and Special Transit District Two, effective in March 2010, pending receipt of a Title VI Disparate Impacts Study; and approve modifications to the transfer policy to extend time from ninety (90) minutes to one hundred and twenty (120) minutes (GM Memo No. 09-217e).

[A revised Resolution No. 09-053 was provided at the meeting for the Board’s consideration.]

[Written comments received prior to and during the meeting are incorporated into the file, and by reference hereto, are made part of these minutes.]

Deputy General Manager Nancy Skowbo introduced Service and Operations Planning Manager Cory LaVigne who provided an overview of recent changes made to the plan based on comments received from the public. He further commented on the public comment process for the Revised Service Adjustments Plan and provided rationale for an extension of the transfer time. Finally, he added that there would be an assessment and evaluation of Nextbus routes given that some lines would have 60 minute
headways.

Members of the Board thanked staff for the tremendous effort in putting forth the plan and for addressing the concerns of the public.

Public Comment:

- John Smith, Operation Dignity and Alameda Point Collaborative, commented that the rideship statistics used to make the service changes on Line 63 did not take into account those riders that did not pay a fare. He added that stopping service at 10:00 p.m. would result in a costly taxi fare.
- Lois Austin, Operation Dignity, commented that Line 63 riders have no other means to get around and that service needs to continue past 10:00 p.m.
- Diane Jones commented on the negative impacts the stoppage of Line 63 at 10:00 p.m. would have on her lifestyle and suggested that it be extended to 12:00 a.m.
- Simmie Evans, Dignity Commons, commented that the new hours for Line 63 would cut veterans off from school, church and other services.
- Ben Liebermann, St. Paul AME Church, commented that he was a 30 year rider and that the elderly and disabled need the bus to get around.
- Alfred Bloch, Oakland resident, thanked the Board and staff for listening to the public by restoring geographic equity and allowing connections to public transit.
- David Vartanoff, Oakland resident, thanked staff for the revised plan and expressed appreciation for the revised transfer policy. He also pointed out that cutting Line 51 in half would not fix the problem. He further expressed concern about schedule adherence on Line 49 on College between Ashby and Claremont.
- Charlie Cameron, commented on MTC's approval of the shift of $35 million in CMAQ funds and inquired if there would be changes on Line 99 at Bayfair to reduce it from 30 minutes as proposed to every 15 minutes Monday through Friday when the line is the busiest.
- Merrilie Mitchell commented on the cuts made to local service as opposed to rapid service, noting that service cuts were not necessary since the state was going to pay back the funding it took. (Presented Handout)
- Marcus Johnson commented that he appreciated the outreach process, which was very educational, and the change on Line 26.
- Mike Urbancic, University Village in Albany, commented that while the new plans for Line 52 weren’t perfect, they represented significant improvement over the initial proposal. He thanked planners for their efforts and understanding during this process.
- Ms. Fowles thanked the Board for considering an increase in the transfer time even though it may not meet the need. She further commented on the District's revenues and expenses, fare increases, money spent on Van Hool buses, and the former General Manager’s travel. (Presented handout)
- Diego Castaneda, UC Berkeley Student, commented on how important bus service is for people and inquired about outreach via social media with the hope that there would be more of that in the future.
- Bruce Rolland commented in general about the service changes and the renaming of some of the routes using random numbers, noting that he did not like the rationale used for renaming the lines. (Presented handout).
Vice President Peeples requested that staff work with the City of Emeryville to get a bus shelter at 40th Street and San Pablo because of anticipated transfer activity in the area. Director Wallace requested more shelters in Ward 1.

Director Harper commented on the assertion by one of the speakers that ridership statistics were determined by the farebox, noting it was a misconception given that automatic or human passenger counters were used to determine ridership.

The General Counsel outlined further modifications to the resolution (additional language underlined):

- Last whereas to read: “Whereas, in response to the potential…”
- Section 1 to read: “Subject to the receipt of all necessary approvals for the diversion of $35 million of CMAQ funding, or other equivalent diversion arrangement(s), approves the Revised Service Adjustments Plan…part of this resolution.” “These service adjustments will become effective in March 2010, pending receipt of a Title VI Disparity Impact Study and effective with the District’s “signup” for operators.” These service adjustments, while regrettable, are…California Code of Regulations section 15285.
- New Section 2 to read: “Modifies the Transfer Policy from ninety (90) minutes to one hundred, twenty (120) minutes.”
- Original Section 2 renumbered to Section 3.
- Original Section 3 renumbered to Section 4.

**LINE NUMBERS:**

**MOTION: PEEPLES/WALLACE** that lines running on substantially the same routes, such as the 51, maintain their current line numbers.

Discussion ensued regarding the motion. Mr. LaVigne advised that while this would not impact very many lines, there could be confusion on the part of riders if they were unaware that a particular line, such as the 51, was divided into two lines.

**AMENDED MOTION: PEEPLES/WALLACE** that Line 51 maintain its’ current line number (5-1-1-0).

**Ayes:** Vice President Peeples, Directors Wallace, Harper, Davis, President Fernandez – 5

**Noes:** Director Ortiz – 1

**Abstain:** Director Young – 1

**Absent:** None – 0

**REVISED SERVICE ADJUSTMENTS PLAN AND TRANSFERS:**

With regard to transfers, Vice President Peeples commented in support of unlimited transfers with the use of Translink within a specified time period. He further added that he did not support extending the transfer time to 2-hours. Discussion ensued.
General Counsel Ken Scheidig expressed concern over the reference to Translink because the fare media issue was not the item before the Board; the issue before the Board was the length of time for transfers. Ms. Skowbo reported that the Translink issue would be part of a future discussion on fares.

**MOTION: PEEPLES** to limit the transfer time to ninety (90) minutes.

Motion failed for lack of a second.

**MOTION: PEEPLES/WALLACE** to adopt Resolution No. 09-053 as modified by the General Counsel approving the Revised Service Adjustments Plan for Special Transit District One and Special Transit District Two, effective in March 2010, pending receipt of a Title VI Disparate Impacts Study; and approve modifications to the transfer policy to extend time from ninety (90) minutes to one hundred and twenty (120) minutes (7-0-0-0).

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

6. Consider adoption of Resolution No. 09-038 identifying in one place all District fares, parameters for transfer usage, inter-operator transfer agreements, and repeal Board Policy 417 - Transfer Policy and Board Policy 328 - Fare Policies (GM Memo No. 09-144b). [Operations Committee recommendation of September 9, 2009, to adopt the resolution.]

There was no discussion of the item.

**MOTION: WALLACE/YOUNG** to adopt Resolution No. 09-038 identifying in one place all District fares, parameters for transfer usage, inter-operator transfer agreements, and repeal Board Policy 417 - Transfer Policy and Board Policy 328 - Fare Policies (7-0-0-0).

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

Director Ortiz left the meeting at 7:44 p.m.

7. Consider authorizing staff to undertake a Fare Policy Study and request that future fare policy items be presented to the full Board instead of through the Committee/Board review process (Requested by Vice President Peeples – 9/9/09) (GM Memo No. 09-236). [Finance and Audit Committee recommendation of December 9, 2009, to forward to the Board with committee member comments for further discussion and provide direction to staff.]
Chief Transportation Officer Kathleen Kelly provided an overview of the suggestions offered by the Finance and Audit Committee on December 9, 2009, including:

- Formation of an advisory committee consisting of transit riders or representatives of transit riders that would provide input (from the beginning) on goals, standards, and metrics (Director Davis);
- That the Board hear staff’s findings in the purest form on the basis of what is right (Director Harper);
- That the Board have two readings of the policy: one to receive public comment and information and a second to render a decision after the Board has had ample time to consider the information and comments (Director Davis);
- That as goals and recommendations are developed, it was important to distinguish between long-term and fairly firm goals versus those that were more flexible (Director Harper); and
- That a Title VI analysis was irrelevant when developing a policy, but critical when implementing a policy (Director Harper).

Manager of Long-Range Planning Tina Spencer presented a broad overview of the proposed study and timeline.

Discussion ensued regarding the public feedback process, timeline for completion of the study, and the creation of an advisory committee. Director Davis elaborated on his initial suggestion to form an advisory committee and emphasized the need for the public to be involved in the process. Interim General Manager Mary King requested that the Board remain cognizant of forming a new committee given staff’s existing commitments. Members of the Board questioned the necessity for another committee given the complexities associated with establishing a fare policy.

**MOTION: PEEPLES/WALLACE** to authorize staff to undertake a Fare Policy Study and authorize that future fare policy items be presented to the full Board instead of through the Committee/Board review process (6-0-0-1).

Ayes: Vice President Peeples, Directors Wallace, Harper, Davis, Young, President Fernandez – 6  
Noes: None – 0  
Abstain: None – 0  
Absent: Director Ortiz – 1

8. Consider receiving update on the Metropolitan Transportation Commission’s (MTC) Transit Sustainability Study and authorize staff to send a letter to MTC to express the District’s enthusiasm and concerns for the scope of the study (GM Memo No. 09-279a) [Planning Committee recommendation of November 18, 2009, to receive the report and authorize staff to send letter to MTC.]

Manager of Long-Range Planning Tina Spencer presented the staff report.
President Fernandez recommended that language be added with regard to ensuring that disabled and disadvantaged communities were not left out of the process.

Vice President Peeples expressed that MTC needed to examine its core mission with equal emphasis on mobility for everyone. He further commented on recent actions by MTC that take money away from transit operations in order to fund duplicative transit service.

Director Davis expressed that having one transit service in the East Bay was the best use of taxpayer money. He further commented that the process should be driven by elected officials as opposed to staff and suggested that elected officials from the affected agencies convene a symposium to discuss and share ideas. Director Wallace commented on the notion of having one transit service in the East Bay, noting that Title VI communities would be underserved.

Director Harper commented that he was glad MTC was going to address the issue of sustainability with the study.

**MOTION: PEEPLES/WALLACE** to receive update on the Metropolitan Transportation Commission’s (MTC) Transit Sustainability Study and authorize staff to send a letter to MTC to express the District’s enthusiasm and concerns for the scope of the study (6-0-0-1).

- **Ayes:** Vice President Peeples, Directors Wallace, Harper, Davis, Young, President Fernandez – 6
- **Noes:** None – 0
- **Abstain:** None – 0
- **Absent:** Director Ortiz – 1

At 8:28 p.m., President Fernandez called for a motion to extend the meeting to 11:00 p.m. pursuant to Board Policy 100, Section 4.3 (Regular Meetings).

**MOTION: PEEPLES/DAVIS** to extend the meeting until 11:00 p.m. (6-0-0-1).

- **Ayes:** Vice President Peeples, Directors Davis, Wallace, Harper, Young, President Fernandez – 6
- **Noes:** None – 0
- **Abstain:** None – 0
- **Absent:** Director Davis – 1

9. Consider approving award of contract to Linde, LLC, Hayward, CA for Hydrogen Fueling Systems at Emeryville and Seminary Divisions in support of the District’s Fuel Cell Bus Program, and:

- Authorize the Interim General Manager and General Counsel to execute a contract and Notice to Proceed with Linde, LLC for a Hydrogen Fueling System at the District’s Emeryville Division, to be fully funded with grants funds in place; and
- Authorize the Interim General Manager and General Counsel to execute a contract and Notice to Proceed with Linde, LLC for a Hydrogen Fueling System at the District's Seminary Division, upon the future award of additional grant funds (GM Memo No. 09-297).

[A supplemental memo was presented at the meeting for the Board's consideration.]

Director of Alternative Fuels Policy and Marketing Jaimie Levin presented the staff report, noting that there were two separate actions before the Board.

Director Harper inquired what the source of the Bay Area Regional Grant was. Mr. Levin reported that the sources of the grant were primarily MTC and the air district. There was no further discussion of the first action.

**MOTION: WALLACE/PEEPLES** to authorize the Interim General Manager and General Counsel to execute a contract and Notice to Proceed with Linde, LLC for a Hydrogen Fueling System at the District's Emeryville Division, to be fully funded with grants funds in place (6-0-0-1).

Ayes: Director Wallace, Vice President Peeples, Directors Harper, Davis, Young, President Fernandez – 6

Noes: None – 0

Abstain: None – 0

Absent: Director Ortiz – 1

With regard to the second action, Vice President Peeples commented on the supplemental memo regarding CARB’s pending decision that landfill gases may be considered part of the SB 1505 renewable portfolio.

Director Davis inquired if AC Transit would remain the major supplier of vehicles in the Bay Area and when/if the fueling station would be commercially viable. Mr. Levin confirmed that AC Transit would be responsible for maintenance and fueling of the vehicles in addition to working with at least three other transit operators in sharing service and providing training. Further, Mr. Levin advised that if the District was successful with the next step of the demonstration project, that within 3 or 4 years there may be something more affordable in the normal procurement process of public transit.

President Fernandez inquired about public access at the Emeryville station and whether the District was allowed to make a profit. Mr. Levin confirmed that the District was not becoming a retailer and, therefore, was not permitted to earn a profit.

Director Harper asked why the Seminary project was not the primary project given its proximity to users. Mr. Levin advised that the Emeryville project was geared for showing joint operation between heavy duty fleet users and light duty demonstration. He added that the District would not be able to qualify for a light duty grant out of the Seminary station because it is was publicly accessible and that Emeryville was more suitable for growing the commercial viability of the technology.
MOTION: PEEPLES/DAVIS to Authorize the Interim General Manager and General Counsel to execute a contract and Notice to Proceed with Linde, LLC for a Hydrogen Fueling System at the District's Seminary Division, upon the future award of additional grant funds (6-0-0-1).

Ayes: Vice President Peebles, Directors Davis, Wallace, Harper, Young, President Fernandez – 6
Noes: None – 0
Abstain: None – 0
Absent: Director Ortiz – 1

10. Consider authorizing the Interim General Manager to amend the District’s contract for on-call architectural and engineering services with Jacobs Engineering Group and Parsons Brinckerhoff until December 31, 2010, and increase the Jacobs contract ceiling to $4,700,000 (GM Memo No. 09-296). [Finance and Audit Committee recommendation of December 9, 2009 to approve.]

Director of Facilities, Construction and Engineering Gene Johnson presented the staff report. General Counsel Ken Scheidig assured the Board that staff would be very judicious in the way money would be allocated to Jacobs Engineering Group and Parsons Brinckerhoff in order to provide more opportunities for Small Local Businesses and Disadvantaged Business Enterprises.

MOTION: HARPER/PEEPLES to authorize the Interim General Manager to amend the District’s contract for on-call architectural and engineering services with Jacobs Engineering Group and Parsons Brinckerhoff until December 31, 2010, and increase the Jacobs contract ceiling to $4,700,000 (5-1-0-1).

Ayes: Director Harper, Vice President Peebles, Directors Wallace, Davis, President Fernandez – 5
Noes: Director Young – 1
Abstain: None – 0
Absent: Director Ortiz – 1


Chief Financial Officer Lewis Clinton presented the staff report and introduced David Bullock and Craig Boyer from Macias Gini and O’Connell.

Mr. Clinton addressed questions from the Board concerning the definition of repurchase agreements and risk management, noting that the financial statements only include a list of investments allowable under the Board’s policy and did not provide any definitions. With regard to risk management, Mr. Clinton clarified that the District was
self-insured for automotive liability and property damage for claims up to $100,000 and insured for any amount over and above.

Mr. Bullock reported that the Single Audit Report regarding internal controls and compliance was late due to changes in management and would be provided once it was complete.

**MOTION: WALLACE/HARPER** to receive the Year-End Financial Statements and Independent Auditor’s Report for the Year Ended June 30, 2009 (6-0-0-1).

Ayes: Directors Wallace, Harper, Davis, Young, Vice President Peeples, President Fernandez – 6
Noes: None – 0
Abstain: None – 0
Absent: Director Ortiz – 1


There was no presentation of the staff report. With regard to the methodology used to allocate AB 1107 funds to Special District 2, Chief Financial Officer Lewis Clinton clarified that it was not reflected in the report because the issue had not yet been addressed by the Board.

**MOTION: WALLACE/YOUNG** to receive the Year-End Financial Statement and Independent Auditor’s Report for Special Transit Service Districts 1 and 2 as of June 30, 2009 (6-0-0-1).

Ayes: Directors Wallace, Young, Harper, Davis, Vice President Peeples, President Fernandez – 6
Noes: None – 0
Abstain: None – 0
Absent: Director Ortiz – 1

13. Consider receiving monthly report on the budget and FY 2009-10 First Quarter Financial Performance Report and adoption of **Resolution No. 09-057** amending the first year of the FY 2009-10 and FY 2010-11 biennial general fund operating and capital budget for FY 2009-10 first quarter revisions (GM Memo No. 09-267). [Finance and Audit Committee recommendation of November 18, 2009 to adopt the resolution.]

There was no presentation of the staff report. Given the reported deficit in the first quarter of FY 2009-10, Chief Financial Officer Lewis Clinton advised that staff was confident that the numbers for the second and third quarters were current. He further reported that the District had received its property tax revenues this week and that
combined with the $2.1 million in Prop 1B money expected in January, the result was an increase in property tax revenue over 2008.

Deputy General Manager Jim Gleich reported on the status of the CTA lawsuit in terms of receiving funds, noting that CTA had developed a settlement strategy which could result in a stable base program plus arrearages. He further added that the U.S. House of Representatives acted on a jobs bill that includes money for transit, which could result in $31 million in formula funds for AC Transit.

**MOTION: WALLACE/PEEPLES** to receive monthly report on the budget and FY 2009-10 First Quarter Financial Performance Report and adoption of Resolution No. 09-057 amending the first year of the FY 2009-10 and FY 2010-11 biennial general fund operating and capital budget for FY 2009-10 first quarter revisions (6-0-0-1).

Ayes: Director Wallace, Vice President Peeples, Directors Harper, Davis, Young, President Fernandez – 6

Noes: None – 0

Abstain: None – 0

Absent: Director Ortiz – 1

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

**MOTION: PEEPLES/WALLACE** to authorize settlement in the amount of $675,000 in the matter of Jordan, et al. vs. AC Transit, ACSC Case No. RG08364350 (6-0-0-1).

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

Noes: None – 0

Abstain: None – 0

Absent: Director Ortiz – 1

**Board/Staff Comments (Government Code Section 54954.2)**

**Agenda Planning**

**Referred to Finance and Audit**
Director Young requested that a contract extension clause be added as a provision of Board Policy 350 – Procurement Policy.

Vice President Peeples requested a report on the commitment to do a project labor agreement associated with Bus Rapid Transit Project.

**Referred to External Affairs**
Director Davis requested a report on ways to formalize the input received from riders.
CLOSED SESSION:

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

- Jordan, et al. v. AC Transit, ACSC Case No. RG08364350

Quarterly Litigation Report
- AC Transit, et al. v. Calif. Dept. of Transportation, ACSC No. 801522-0 (Fallon St.);
- Singh v. AC Transit, ACSC No. RG09461559;
- ATU Local 192 v. AC Transit, ACSC No. RG06-262943 (Fallon St.);
- Woods v. AC Transit, ACSC No. RG09-454924 (Fallon St.);
- Pereira v. AC Transit, ACSC No. RG09-441742 (Fallon St.); and
- Claims of Jo (08-4093), Arnaudov (09-1676), and Weaver (09-0519).
- Report concerning a violation of Division 3’s wastewater discharge permit.

Threat to Public Safety (Government Code Section 54957)

Conference with Labor: (Government Code Section 54957.6)
Agency Negotiator: Interim 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: Interim 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 9:12 p.m. The next meeting of the Board of Directors is scheduled for
Wednesday, January 6, 2010.

Respectfully submitted,

Linda A. Nemeroff
District Secretary