

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 9/28/2022

Staff Report No. 22-350b

TO: AC Transit Board of Directors
FROM: Linda A. Nemeroff, Board Administrative Officer/District Secretary
SUBJECT: Amendments to Board Policy 101

ACTION ITEM

AGENDA PLANNING REQUEST: ☐

RECOMMENDED ACTION(S):

Consider approving amendments to Articles 6 and 7 of Board Policy 101 - Board of Directors Rules for Procedure.

Staff Contact:
Linda A. Nemeroff, Board Administrative Officer/District Secretary

STRATEGIC IMPORTANCE:

There is no strategic importance associated with this report as it pertains to the Board's administrative procedures.

BUDGETARY/FISCAL IMPACT:

There is no budgetary or fiscal impact associated with this report.

BACKGROUND/RATIONALE:

Board Policy 101 sets forth the Board's administrative rules and procedures and the policy is regularly updated to reflect changes in the law and the needs of the Board. Because Board Policy 101 is extensive and can be difficult to digest, staff plans to bring amendments to the policy to the Board on a flow basis. The policy has been reviewed by the District Secretary and General Counsel and the amendments outlined below are being proposed to address changes in the Brown Act, to fill procedural gaps as well as other amendments and clarifications.

Proposed Amendments

Article 6. Meetings, Conduct of Business

Section 6.10 (Public Comment) was reorganized and amended to draw a distinction between offering public comment at a virtual (remote) meeting versus an in-person meeting. Language was also added to incorporate the receipt of written public comment and to clarify the responsibilities of the President and Committee Chairs when presiding over meetings with respect to order and decorum.

Section 6.11 (Disruptive Behavior at Meetings) is a new section added to address recent changes in the Brown Act enacted by SB 1100 which was signed into law on August 22nd. The legislation permits the Board President or Committee Chair, regardless of the meeting format, to remove, or cause the removal of, an individual for disrupting the meeting pursuant to Government Code Section 54957.95. Prior to removing an individual, the Board President or Committee Chair shall first warn the individual that their behavior is disrupting the meeting and that failure to cease their behavior may result in their removal. The President or Committee Chair may then remove the individual if they do not promptly cease their disruptive behavior. A warning is not required when the behavior constitutes use of force or a true threat of force by the person making the threat. This provision is intended to restore order to meetings and preserve the rights of other members of the public at the meeting and allow the Board to continue its work on behalf of the public.

Section 6.12 (Consent Calendar) was amended to remove references to standing and limited-purpose committees, which are no longer applicable.

Section 6.14 (Agenda Planning) was amended to reflect the Board's recent decision that "Agenda Planning" discussions occur at regular meetings and removes the reference to Committee meetings since the Board no longer utilizes standing committees.

Section 6.19 (Announcement of Closed Session Action) was amended to reflect the Board's current process with regard to reports out of closed session, which also meets Brown Act requirements.

Section 6.20 (Minutes) was amended to focus the content of the minutes on discussion that is germane to the final disposition of an agenda item in order to reduce the amount of staff time required to prepare meeting minutes. A provision was also added to the policy with regard to the timeline for the posting of minutes for emergency meetings as required under the Brown Act.

Original Sections 6.22 and 6.23 (Retention of Official Board Legislative Records/Destruction of Records) are repealed as the stated records managed by the District Secretary's Office are now protected under Board Policy 651.

Other minor, non-substantive amendments are proposed throughout Article 6 to provide clarity.

Article 7. Determination of the District's Legislative Agenda

Article 7 has been reviewed and no substantive amendments are proposed.

Staff is requesting approval of the proposed amendments.

ADVANTAGES/DISADVANTAGES:

Staff believes the proposed amendments are reasonable, align the Board Policy with existing laws and fill procedural gaps.

ALTERNATIVES ANALYSIS:

There are no practical alternatives to the course of action recommended in this report.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Board Policy 101 was last amended on September 14, 2022.

ATTACHMENTS:

1. Redline Version of Articles 6 and 7 of Board Policy 101.

Prepared by:

Linda A. Nemeroff, District Secretary

In Collaboration with:

Jill A. Sprague, General Counsel/Chief Legal Officer

Approved/Reviewed by:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Jill A. Sprague, General Counsel/Chief Legal Officer

Michael A. Hursh, General Manager/Chief Executive Officer