

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 11/19/2025

Staff Report No. 25-358b

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

ACTION ITEM

AGENDA PLANNING REQUEST: ☐

RECOMMENDED ACTION(S):

Consider approving amendments to Article 5 (Meetings, Agendas) of Board Policy 101 - Board of Directors.

Staff Contact:
Linda A. Nemeroff, Board Administrative Officer/District Secretary
Aimee L. Steele, General Counsel/Chief Legal Officer

STRATEGIC IMPORTANCE:

There is no strategic importance associated with this report.

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 Board over the course of several meetings. A summary of amendments to Article 5 is as follows:

Article 5- Meetings, General

Section 5.3 - Additions to Agenda After Posting. This section was amended to reflect that under the Brown Act, items cannot be added to a special meeting agenda after the agenda is posted.

Section 5.5 Placement of Items on the Agenda

Subsection 2.a. - Requests by Boardmembers (Agenda Planning) was amended to clarify that Agenda Planning Requests from Boardmembers are intended for open session items only. Closed Session matters shall follow the procedures outlined in Article 6 which is planned to come before the Board in December. Language was also added to clarify that joint Agenda Planning Requests made by more than one Boardmember will be

counted against the limit of the first Boardmember named on the request form.

In addition, Board leadership, in consultation with the Board's governance consultant, recommend that the policy be amended to require four affirmative votes of the Board to pass an Agenda Planning Request and to reduce the number of requests a Boardmember can make in a calendar year to 10.

Subsection 2.f. concerning Pilot Evaluation Reports is being removed as these provisions have not been used.

Subsection 3 - Removal of Items from Agenda Planning. This section is added to reinstate a framework for removing an item from the Agenda Planning Pending List. This language was inadvertently removed from this section in a prior policy amendment.

Subsection 4 - Requests for Reconsideration. This section is retitled as "Request to Redress an Action Taken at a Prior Meeting". This change is necessary to avoid confusion with parliamentary procedure involving a request for reconsideration which occurs during a meeting. Other than the retitling, there are no changes to the procedure.

Section 5.8 Documentation

The primary update to this section involves revisions to the required elements of the staff report template, specifically the removal of the "Alternatives Analysis" section and the addition of a new "Regulatory and Policy Framework" section. The "Alternatives Analysis" section has become outdated, as it often focused on interpreting staff's internal reasoning rather than presenting information directly relevant to the Board's decision-making. In contrast, the new "Regulatory and Policy Framework" section is designed to clearly explain the legal, regulatory, and policy basis for staff's recommendations, providing the Board with a stronger foundation for informed and transparent decision-making. As a result of the new section, minor changes to the "Background/Rationale" section and the "Prior Relevant Board Actions or Policies" section have been made to eliminate redundancy and provide for better flow. If approved, staff plans to implement the changes to the staff report template beginning in January.

Staff recommends approval of the amendments as proposed.

ADVANTAGES/DISADVANTAGES:

The proposed amendments to Board Policy 101 aim to improve clarity, transparency, and legal alignment. There are no disadvantages to approving the proposed amendments.

ALTERNATIVES ANALYSIS:

There are no practical alternatives to the course of action recommended in this report as the proposed amendments aim to codify existing practices and align the policy with applicable state laws.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Board Policy 101 was last amended on August 6, 2025

ATTACHMENTS:

1. Article 5 of Board Policy 101 - Redlined

Prepared by:

Linda Nemeroff, Board Administrative Officer/District Secretary

In Collaboration with:

Aimee L. Steele, General Counsel/Chief Legal Officer

Approved/Reviewed by:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Aimee L. Steele, General Counsel/Chief Legal Officer