



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

Master Minute Order

File Number: 20-048

Report ID: 20-048

Type: Regular - External Affairs

Status: Approved

**Agenda
Section:**

Meeting Body: Board of Directors -
Regular Meeting

Report Created: 12/19/2019

Final Action: 01/22/2020

ded Action: Consideration of recommendations regarding proposed amendments to Transit District Law.

Sponsors:

Enactment Date:

Attachments: STAFF REPORT

Enactment Number:

Hearing Date:

Effective Date:

History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
Board of Directors - Regular Meeting	01/22/2020	Approved as modified				Pass
Action Text:	MOTION: YOUNG/PEEPLS to approve the staff repcomendations with the three changes requested by Vice President Ortiz and Director Young. The motion carried by the following vote:					
Notes:	Assistant General Counsel Jill Sprague presented the staff report.					
<p>Vice President Ortiz asked for clarification of the following recommendations, which were addressed by staff without any further discussion or amendments:</p> <ul style="list-style-type: none"> - Recommendation #5 of the staff report, related to filling the vacancies on the Board. Ms. Sprague responded that the extension of time to fill a vacancy from 60 days to 90 days would allow the Board more time to fill a vacancy. - Recommendation #7, PUC § 24937, related to publication of annual financial report. General Manager Michael Hursh advised that 90 days was enough time to perform the audit and staff was requesting additional time. <p>Vice President Ortiz also requested changes in the following recommendations:</p> <ul style="list-style-type: none"> - Recommendation #7, PUC § 24932, to clarify "the attorney" as it not clear whether it relates to General Counsel or legal attorneys. Vice President Ortiz asked that the term "attorney" be changed to "General Counsel" in the statute. - Recommendation #7, PUC § 24936(h) related to full devotion of General 						

Manager's time to the business of the District. Vice President Ortiz requested that this provision be extended to all Board Officers, including the General Counsel and District Secretary. Director Peeples agreed, but believed that there was a need for some flexibility. It was proposed that the code section apply to all Board Officers, but the Board could approve exceptions on case-by-case basis upon request by a Board Officer. Vice President Ortiz concurred.

With regard to Recommendation #4 related to PUC § 24647-Elections and staff's concerns regarding the California Voting Rights Act, Director Young advised that he had reviewed the statute, had done independent research, received legal education and had discussed it with an attorney who specialized in this area of the law and had concluded that the risk to the District would exist regardless of whether the statute was amended or not. He further advised that in his research, much of the litigation is directed at public entities that have boards or councils that are entirely at-large. He further believed the District was well positioned to defend itself if sued in the future.

Director Young requested a change to PUC § 24647 that would amend the qualifications to get on the ballot by either gathering signatures (written petition) or by paying a fee (similar to the assembly, senate or county offices). He added that the Board could determine the number of signatures to be gathered and the associated fee by ordinance or resolution, as deemed appropriate. [Note: § 24647 is applicable to ward and at-large candidates].

Ayes: 7 Vice President Ortiz, President Wallace, Director Harper, Director Williams, Director Peeples, Director Young, Director Shaw
