

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

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**MEETING DATE:** 12/11/2024

**Staff Report No.** 24-462

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**TO:** AC Transit Board of Directors  
**FROM:** Linda A. Nemeroff, Board Administrative Officer/District Secretary  
**SUBJECT:** Appointments to the AC Transit Retirement Board

### ACTION ITEM

**AGENDA PLANNING REQUEST:**

**RECOMMENDED ACTION(S):**

Consider authorizing the District Secretary to conduct recruitment to fill a vacant public member position on the AC Transit Retirement Board; allow applicants residing within the five-county Bay Area Region outlined in the staff report to apply; and adopt Resolution No. 24-030 reappointing Jeffrey Lewis as the second of the two public members to the AC Transit Retirement Board and Chief Financial Officer Chris Andrichak as the non-ATU member, each for a two-year term expiring on March 31, 2027.

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

**STRATEGIC IMPORTANCE:**

There is no strategic importance associated with this report.

**BUDGETARY/FISCAL IMPACT:**

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

**BACKGROUND/RATIONALE:**

Ordinance 10 (Attachment 2) sets forth the parameters for making appointments to the five-member AC Transit Retirement Board (Retirement Board). It specifies that two public members shall be selected by the District's Board of Directors (Board) based on criteria established by the Board, and one member shall be selected by the Board from employees who are not represented by ATU, Local 192. These members serve a two-year term. The two remaining members of the Retirement Board are elected officers of ATU, Local 192.

The terms of one public member, Jeffrey Lewis, and the non-ATU member, Chris Andrichak, expire on March 31, 2025. Staff recommends that the Board consider their reappointment to the Retirement Board believing that it is in the best interest of the Retirement Board and the District to ensure continuity on the Retirement Board.

On November 21, 2024, a vacancy occurred on the Retirement Board with the resignation of the long-standing

public member, Davis Reimer, due to a conflict of interest. To ensure the continuity of the Retirement Board and adequate public representation, the District Secretary recommends that the Board authorize a recruitment to fill the vacancy. The newly appointed member would assume a two-year term commencing on April 1, 2025 and ending on March 31, 2027.

### **The Recruitment Process**

Ordinance 10, adopted by the Board of Directors in 1997, provides no specificity regarding limiting prospective candidates to a designated geographical area. However, Section 2A of the ordinance permits the Board of Directors to establish the criteria for selecting the two public member positions, which may include a geographical preference. In previous recruitments, the Board opted to limit applications to the five-county Bay Area Region including the counties of Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara. In doing so, staff hopes to be able to attract a qualified, experienced and long-term appointee to fill the vacancy on the Retirement Board.

### **Recruitment Timeline**

If authorized, the District Secretary would commence the recruitment as soon as possible with an application return deadline near the end of January. Upon the close of the recruitment, the Board will determine at its February 12<sup>th</sup> meeting which applicants will be invited to participate in the interview process. Once a candidate is selected to fill the vacancy, the Board will be asked to adopt a resolution to make the appointment.

Candidates for the public member position will be asked to submit a cover letter, application and resume. Notices and application forms will be distributed to the general public, local community colleges and universities within the designated geographical area, and to riders via eNews and social media outlets. Information will be posted on the District's website and staff will work with media affairs to identify ways to publicize the recruitment.

In conclusion, it is recommended that the Board of Directors consider the following actions:

1. Authorize the District Secretary to commence the recruitment for one vacant public member position on the Retirement Board;
2. Allow applicants residing within the five-county Bay Area Region outlined in the staff report to apply; and
3. Adopt Resolution 24-030 (Attachment 1) to reappoint the existing public member and one non-ATU member, Mr. Lewis and Mr. Andrichak, respectively.

### **ADVANTAGES/DISADVANTAGES:**

The advantage of filling the public member vacancy in timely manner ensures the adequate public representation on the Retirement Board. The advantage of reappointing the existing members is to maintain continuity on the Retirement Board. A knowledgeable, responsible and steady Retirement Board is an asset to the beneficiaries of the Retirement Plan and the District. There are no notable disadvantages.

### **ALTERNATIVES ANALYSIS:**

There are no practical alternatives to filling the vacancy on the Retirement Board.

The Board may direct the District Secretary to expand the recruitment not only to fill the existing vacancy, but to replace any of the two existing members whose terms expire on March 31, 2025. This approach does not represent the best interest of the District or the Retirement Board as it would be difficult to replace the years of financial and investment expertise the current members possess.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

Ordinance 10

**ATTACHMENTS:**

1. Resolution No. 24-030
2. Ordinance 10

**Prepared by:**

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**Approved/Reviewed by:**

Linda A. Nemeroff, Board Administrative Officer/District Secretary

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