

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 26-015**

**A RESOLUTION FOR A 180-DAY WAIT PERIOD EXCEPTION
UNDER GOVERNMENT CODE SECTION 7522.56**

WHEREAS, Linda Nemeroff (“Nemeroff”) retired from the Alameda-Contra Costa Transit District (“AC Transit”) in the position of Board Administrative Officer/District Secretary, effective April 1, 2026; and

WHEREAS, Nemeroff is receiving retirement benefits from the AC Transit Employees’ Retirement Plan (“ACTERP”); and

WHEREAS, the AC Transit Board of Directors wishes to retain Nemeroff to perform consulting services for AC Transit post-retirement as an independent contractor because she has skills needed to perform work of limited duration; and

WHEREAS, ACTERP requires that the provisions of Government Code section 7522.56 be satisfied when an ACTERP retiree is retained to perform services for AC Transit post-retirement, regardless of whether the ACTERP retiree is retained as an employee or an independent contractor; and

WHEREAS, Government Code section 7522.56 provides that post-retirement employment commence no earlier than 180 days after the retirement date, unless the employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed; and

WHEREAS, Government Code section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, in compliance with ACTERP’s requirements, the AC Transit Board of Directors provides this Government Code section 7522.56 certification resolution when retaining a retiree before 180 days has passed her retirement date; and

WHEREAS, the AC Transit Board of Directors, AC Transit and Nemeroff certify that Nemeroff has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the AC Transit Board of Directors hereby authorizes the AC Transit General Manager to execute a contract with Nemeroff to provide consulting services as an independent contractor to the Board of Directors, Board Officers, and the District Secretary’s office, effective May 27, 2026; and

WHEREAS, the consulting services Linda Nemeroff shall provide are as follows:

1. Consult and train a new Board Administrative Officer/District Secretary, expected to be hired in June 2026.
2. Develop an onboarding process and training for persons expected to fill the positions of Executive Administrative Assistant and/or Executive Coordinator within the next six months, which positions are needed to support executives and/or Board Officers ; and

WHEREAS, the retention of Nemeroff for these services pursuant to this resolution will not be placed on a consent calendar; and

WHEREAS, Nemeroff's services shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to Nemeroff cannot be less than the minimum nor exceed the maximum rate of pay paid to employees performing comparable duties, divided by 173.333 to equal an hourly rate; and

WHEREAS, Nemeroff shall not collect any service credit or retirement rights in connection with her consulting services; and

WHEREAS, nothing in this resolution shall be interpreted as to impact Nemeroff's status as an independent contractor.

NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

Section 1. The AC Transit Board of Directors adopts the foregoing recitals as true and correct and incorporates them herein.

Section 2. The AC Transit Board of Directors hereby certifies the nature of the consulting services of Linda Nemeroff as described herein and that the retention of Nemeroff is necessary to fill a critical need for consulting services as follows:

1. The Board anticipates making a regular Board Administrative Officer/District Secretary appointment by June 2026. The incoming person will need to consult with Nemeroff immediately to ensure a smooth transition of responsibilities as well as a transfer of institutional knowledge.
2. Additionally, AC Transit will be filling Executive Administrative Assistant and/or Executive Coordinator vacancies within the next six months. Nemeroff's services will be used to develop an onboarding process and training for these new hires who will support executives and/or Board Officers. In the recent past, AC Transit has had difficulty in retaining new hires into these positions. The high rate of turnover has caused consistent vacancies and lack of adequate administrative support, which has proven

challenging for executives. Developing immediate training and onboarding will assist in ensuring newly hired employees have the best opportunity for success.

3. Providing access to Nemeroff on an immediate basis will ensure a smooth transition in the Board Administrative Officer/District Secretary's office, mentoring for an incoming Board Administrative Officer/District Secretary, and onboarding for Executive Coordinator and Executive Administrative Assistant new hires. All of these positions fill critical needs of AC Transit and need to be trained as quickly as possible upon their hire.

Section 3. This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

PASSED AND ADOPTED this 27th day of May 2026.

Diane Shaw
President

Attest:

Jelena Harada
Interim District Secretary

I, Jelena Harada, Interim District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors held on the 27th day of May, 2026, by the following roll call vote:

AYES: NONE

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Jelena Harada
Interim District Secretary

Approved as to Form and Content:

Aimee L. Steele
General Counsel/Chief Legal Officer