

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

---

**MEETING DATE:** 12/10/2025

**Staff Report No.** 25-429a

---

**TO:** AC Transit Board of Directors  
**FROM:** Aimee L. Steele, General Counsel/Chief Legal Officer  
**SUBJECT:** Amendment to Board Policy 650 - Access to Public Records - Requests and Fees

### ACTION ITEM

**AGENDA PLANNING REQUEST:** ☐

**RECOMMENDED ACTION(S):**

Consider approving minor amendments to Board Policy 650 - Access to Public Records Requests and Fees.  
[Continued from the September 10, 2025, Board of Directors Meeting.]

Staff Contact:  
Aimee L. Steele, General Counsel/Chief Legal Officer

**STRATEGIC IMPORTANCE:**

Goal - Strong Public and Policymaker Support

A Board Policy outlining how public access to records is handled ensures the proper submission and handling of requests for documents by members of the public.

**BUDGETARY/FISCAL IMPACT:**

There is no budgetary or fiscal impact related to this report.

**BACKGROUND/RATIONALE:**

Board Policy 650 establishes guidelines for the District's handling and response to California Public Records Act (CPRA) requests. The Office of the General Counsel has sole responsibility for determining whether a public record is disclosable and for handling and preparing the District's response to requests made by members of the public under the CPRA.

This Policy was last reviewed and updated in 2017. At that time the Board approved amendments to add a "persons affected" section to the Policy and to also add the requirement that all records requests be directly reported to the General Counsel's Office.

This report was initially presented to the Board on September 10, 2025, with a recommendation for the

following minor amendments:

- Under Section III. Definitions, add “public” to “local agency” within the definition of “Member of the Public” so the definition now excludes “employee of a... local public agency” acting within the scope of employment.
- Under Section B(1)(a), add “redaction or” to the discussion of inspection of public records so that the District is allowed to delete or redact portions of a document that are exempt from disclosure prior to releasing the document to the public.

These minor amendments are intended to provide additional clarification to the District’s requirements under the CPRA.

After discussion, the Board directed the General Counsel to return and address whether or not the system the District uses to respond to a PRA allows the District to make public every response to a PRA public so that every member of the public can view uploaded responses. The Board also directed the General Counsel to address whether members of the public can request within the system that the response to their PRA **not** be made public.

The District currently uses NextRequest which allows for members of the public to make PRA requests and District staff to upload documents that are responsive to requests. Prior to the September 10, 2025, Board meeting, only the requesting party could view documents uploaded by staff in response to a specific PRA. However, the language of this policy allows for members of the public to inspect any public record, including those uploaded to NextRequest in response to previously submitted records requests, at the District’s General Officers, Monday through Friday, between 8:30 a.m. and 5:00 p.m. by contacting the General Counsel’s office and schedule an appointment. Furthermore, this Policy requires copies of public records to be provided at the request of members of the public, including records that were provided in response to previously submitted PRA requests.

Since the September 10, 2025, Board meeting, staff has made all documents uploaded in response to PRAs available to all members of the public and intends to do so moving forward. Staff has not retroactively made documents uploaded in response to PRAs submitted before September 10, 2025, available outside of the requesting party. To retroactively make all documents uploaded to NextRequest available to all members of the public, staff would have to manually addressed each individual request in the system which is time consuming and not a good use of limited Legal staff. Prior to the use of NextRequest, staff would provide the requested documents just to the requesting party either by email or mail.

As to whether a party submitting a PRA can request that the documents uploaded in response to their PRA **not** be made available to the public when staff uploads responsive documents to NextRequest, this is not currently an option within NextRequest. Furthermore, staff advises against seeking to create this as an option within NextRequest. The PRA furthers transparency. The exceptions to the production of responsive documents in response to a PRA are limited and include, but are not limited to, personnel information/privacy, information protected by attorney-client privilege and attorney work-product, or information that would compromise the safety of the District. These exceptions ensure certain rights and privileges are protected while balancing the public’s right to access. Allowing a member of the public to request documents only be released to the requesting party and not made available to the public is inconsistent with the idea of

transparency and creates additional work for staff when staff resources and time are already limited. Additionally, the exceptions to documents required to be produced under the PRA provide protections for privacy, safety and certain pending legal matters.

**ADVANTAGES/DISADVANTAGES:**

The advantage to the amendment is to add clarifying language to the Policy. No disadvantages were identified.

**ALTERNATIVES ANALYSIS:**

No alternatives to the course of action recommended in this report were considered by staff.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

Staff Report 17-257: Amendment to Board Policy 650: Access to Public Records - Request and Fees.

**ATTACHMENTS:**

1. Board Policy 650: Access to Public Records - Requests and Fees

**Prepared by:**

Aimee L. Steele, General Counsel/Chief Legal Officer

**Approved/Reviewed by:**

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Salvador Llamas, General Manager/Chief Executive Officer