

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

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**MEETING DATE:** 4/26/2023

**Staff Report No.** 23-247

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**TO:** AC Transit Board of Directors  
**FROM:** Linda A. Nemeroff, Board Administrative Officer/District Secretary  
**SUBJECT:** Amendments to Board Policy 155

### ACTION ITEM

**AGENDA PLANNING REQUEST:**

**RECOMMENDED ACTION(S):**

Consider approving amendments to Board Policy 155 - Travel, Meeting and Miscellaneous Expense Reimbursements for Directors and Board Officers.

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

**STRATEGIC IMPORTANCE:**

Goal - Prioritize Diversity, Equity, Inclusion and Accessibility

The District has made policy-decisions over the years in furtherance of this priority even before it became a strategic goal. The content in this report with respect to the District's policy banning travel to states with anti-LGBTQ+ laws is provided to inform the Board of dialogue that is occurring on whether the State's travel ban, which was adopted by the Board in 2018, should continue in its current form or be changed to instead raise public awareness and promote civil rights and antidiscrimination through education, advertising, and marketing activities.

**BUDGETARY/FISCAL IMPACT:**

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

**BACKGROUND/RATIONALE:**

Board Policy 155 was last amended in 2021. The most substantive issues and/or amendments to the policy are outlined below:

**Section IV.A.1. - Travel Authorization and Approval. Out-of-State Travel**

In 2018, the Board of Directors approved a ban on District funded travel to states with anti-LGBTQ laws consistent with the ban the State of California enacted in Government Code Section 11139.8. As a result, Board Policy 155 was amended and the General Manager was directed to amend the employee travel regulation accordingly. At the time, only nine states were subject to the ban. That number now stands at 23.

Over the course of the last several months, officials at the local and state level have started a dialogue concerning the effectiveness of the ban as accounts of its unintended consequences have come to light. Some of those accounts are outlined in a recent news article provided in Attachment 3. AC Transit experienced issues with the American Public Transportation Association (APTA) Bus Roadeo competition in 2019, which was held in a banned state. The District's Roadeo team was able to participate in the competition but had to fly into and lodge in an adjacent state that was not subject to the ban. AC Transit's team won the title of Grand Champions that year. Additionally, there have been instances where employees were prohibited from participating in APTA's Leadership Program due to the ban. In terms of APTA, specifically, the District has missed opportunities to present information that could influence others at conferences on our diversity, equity, inclusion and accessibility efforts, and other industry-leading programs the District is advancing that support our environmental goals. In other cases, Board members and staff have missed expos featuring the latest bus trends and technologies being offered. The District has also missed the opportunity to be present when being recognized at awards ceremonies by transit industry peers. In 2021, a discussion was had at a Board meeting about the effectiveness of the ban if the District does not convey a message as to why AC Transit is not participating in a conference in a banned state to either the conference organizer or the banned state itself.

Earlier this year, SB 447 was introduced by Senator Toni Atkins. The bill would establish the BRIDGE (Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity) Project to raise public awareness and promote civil rights and antidiscrimination through education, advertising, and marketing activities. It would also repeal California's travel ban. Locally, the San Francisco Board of Supervisors has also been discussing a repeal of the city's travel ban and is inching closer to a decision.

The question before the Board with respect to this section of the policy is whether the Board wishes to discuss this emerging topic or wait for the state legislative process to play out with respect to the travel ban. For discussion purposes, the Board can 1) leave the policy as-is and make no changes; 2) make a small change to carve out an exception for conferences, meetings or trainings for APTA and the Conference of Minority Transportation Officials; or 3) repeal the ban altogether. If SB 447 is signed into law later this year, it would effectively repeal the District's travel ban as the District's ban is tied to state law.

#### **Section IV.B.2.f.iii. - Vehicle Rental**

This section was amended to require Directors and Board Officers to rent the lowest cost zero emission vehicle whenever possible (prior approval to rent a vehicle is required).

#### **Section IV.B.3.a. - Per Diem**

This section was amended to increase the per diem rate from \$50 to \$65 when the rate for a particular destination is not published on the General Services Administration website. The original dollar amount had not been adjusted for many years and is more in line with the average per diem rate for published destinations.

#### **Section IV.B.3.e. - Reimbursement of Meal Expenses Related to District Business Meetings**

This section was amended to clarify the existing language that Directors and Officers are permitted to receive reimbursement for reasonable meal expenses associated with a business meeting, including reimbursement for a third party's meal.

**Section IV.B.5. - Disabled Persons Attendant**

This section was updated to reflect a change in terminology from “Disabled Persons Attendant” to “Personal Care Attendant”. In addition, the cost for the personal services of an attendant was increased from \$50 per day to \$100 per day. Staff feels this is an appropriate adjustment as the daily amount has not been adjusted in more than a decade.

**Section IV.D.1. - Cash Advances**

Staff recommends that cash advances be eliminated on the grounds that they are not necessary and difficult to collect if a trip is cancelled.

Other minor changes were made to the format of the policy, job titles, use of pronouns, and references to subsections/numbering.

**ADVANTAGES/DISADVANTAGES:**

The advantage of upholding the existing travel ban will reflect the District’s support for the LGBTQ+ community. However, there will continue to be an inherent conflict between upholding the ban and dealing with its unintended consequences on a policy level, which could hinder the ability of the District to influence transit agencies in all 50 states. The remaining amendments are administrative nature.

**ALTERNATIVES ANALYSIS:**

Staff makes no recommendation on whether to lift the travel ban, leave it in place or modify it. The information provided in this report is intended to inform the Board of evolving discussions and issues related to the ban and pending legislation concerning it in the event the Board wishes to consider a change at this point. The remaining amendments are intended to streamline the policy and promote clarity and understanding of its provisions.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

Board Policy 145 was last amended in 2021

Staff Report 18-272 - Amending the Board’s Travel Policy to Enact a Travel Ban

**ATTACHMENTS:**

1. Board Policy 155 (redlined)
2. Text of SB 447
3. News Article

**Prepared by:**

Linda A. Nemeroff, Board Administrative Officer/District Secretary

**Approved/Reviewed by:**

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Jill A. Sprague, General Counsel/Chief Legal Officer