

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 4/23/2025

Staff Report No. 24-462f

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

ACTION ITEM

AGENDA PLANNING REQUEST: ☐

RECOMMENDED ACTION(S):

Consider adoption of Resolution No. 25-018 appointing R. Bradford Huss as the public member on the AC Transit Retirement Board to fill the term expiring on March 31, 2027, and repeal Resolution No. 25-013.

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:

On March 26, 2025, the Board of Directors conducted interviews to fill a vacancy of one of the two public member positions on the AC Transit Retirement Board. Of the two candidates interviewed, the Board decided to appoint Fabian John to fill the remainder of a term expiring on March 31, 2025, as well as a two-year term expiring on March 31, 2027.

On March 28, 2025, two days after the Board appointed Mr. John to the Retirement Board, the District's General Counsel received a call from counsel for the Retirement Board raising questions about the appointment of Mr. John. Government Code section 7513.95 states:

"A member or employee of the board shall not, directly or indirectly, by himself or herself, or as an agent, partner, or employee of a person or entity other than the board, sell or provide any investment product that would be considered an asset of the fund to any public retirement system in California."

The District's General Counsel has met with the Retirement Board's counsel and outside counsel and have concluded that Government Code section 7513.95 precludes Mr. John from serving on the Retirement Board

since his employer, Morgan Stanley, provides investment products to retirement systems in California.

On April 10, 2025, the District Secretary's Office was notified that Mr. John would indeed need to resign from the Retirement Board.

Given that a vacancy once again exists on the Retirement Board, staff is recommending that the other candidate interviewed for the public member position, R. Bradford Huss, be appointed to fill the vacancy. The Board is well aware of Mr. Huss's qualifications and expertise in the area public pension plans which makes him an ideal fit for the Retirement Board.

Staff recommends the adoption of Resolution No. 25-018 appointing Mr. Huss to fill an unexpired term on the Retirement Board ending on March 31, 2027, and the repeal of Resolution No. 25-013.

ADVANTAGES/DISADVANTAGES:

The advantage of filling the public member vacancy in a timely manner ensures adequate public representation 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 alternatives to the course of action recommended in this report.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Ordinance No. 10 establishing the process for making appointments to the AC Transit Retirement Board.

ATTACHMENTS:

1. Resolution No. 25-018
2. Huss Application Materials

Prepared by:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Approved/Reviewed by:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Aimee L. Steele, General Counsel/Chief Legal Officer