

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

ORDINANCE NO. 10

AN ORDINANCE ESTABLISHING THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT RETIREMENT BOARD AND REPEALING ORDINANCE NO. 8(a)

WHEREAS, the Board of Directors of the Alameda-Contra Costa Transit District is authorized by Public Utilities Code §§25301, et seq., to establish a retirement system and create a Retirement Board responsible for the administration of that system; and

WHEREAS, the Public Utilities Code §25361 provides that:

The Board, upon establishing a retirement system pursuant to this chapter, shall create a Retirement Board of not more than five members, at least two members of which shall be the elected representatives of the employees, to administer the retirement system, and shall define its powers and duties and the tenure of the members; and

WHEREAS, the Retirement Board and its composition was previously established by a resolution, but the District Board of Directors determined to establish the Retirement Board by ordinance and adopted Ordinance No. 8(a), effective February 3, 1993; and

WHEREAS, Ordinance No. 8 assigned the five seats on the Retirement Board as follows:

Two selected from the membership of the District's Board of Directors;

Two selected by ATU from the elected officers of ATU, Local 192; and

One selected by the District's Board of Directors from the employees who are not represented by ATU, Local 192; and

WHEREAS, the Board of Directors has decided to seek qualified individuals to fill the two seats on the Retirement Board presently reserved for two members of the Board of Directors; and

WHEREAS, pending the selection of the public members to the Retirement Board, the representatives of the Board of Directors designated in Resolution No. 979 shall continue to sit on the Retirement Board.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT DOES ORDAIN A FOLLOWS:

Section 1. Ordinance No. 10 is enacted to read:

Section 1. The Alameda-Contra Costa Transit District Retirement Board (or Retirement Board) is created and established in accordance with the provisions of Public Utilities Code §25361.

Section 2. The Retirement Board shall consist of five (5) members, selected as follows:

- A.** Two members shall be selected by the District's Board of Directors based on criteria established by the District Board of Directors, and they shall serve for a period of two years.
- B.** Two members, constituting the two elected representatives of the employees, shall be elected officers of ATU, Local 192. These members shall serve until replaced by Local 192. The President of Local 192 shall notify the District Board President, in writing, of its representatives and of any change in the Local's representatives on the Retirement Board.
- C.** One member shall be selected by the District Board of Directors from employees who are not represented by ATU, Local 192. This member shall serve for a period of two (2) years.

For the positions identified in subsections 2.A. and C., the District Board of Directors shall adopt a resolution identifying the individuals selected and their term of office.

Section 3. The terms of the members of the Retirement Board shall be staggered in order that no more than three members' terms expire at any one time.

Section 4. The initial selection of the Retirement members identified in Section 2.A. shall be made by the District's Board of Directors as soon as possible following the effective date of this ordinance. Until the selection of the Retirement Board members identified in Section 2.A. occurs, the present Board of directors' representatives to the Retirement Board shall retain their seats and continue to perform their responsibilities as members of the Retirement Board. The Retirement Board members identified in Section 2.A., once designated and appointed by resolution of the District's Board of Directors, shall fulfill the unexpired terms of the members of the Board of Directors they replace.

Section 5. If a vacancy occurs in any of the positions on the Retirement Board identified in Section 2, they shall be replaced as soon as possible using the same process identified in this Ordinance for their original selection. Except for Retirement Board members selected by ATU, Local 192, the District Board of Directors may designate a replacement on an interim basis pending a recruitment of a permanent

replacement. In making an interim replacement, the District Board of Directors whenever possible shall select individuals who meet the desired qualifications established by regular members of the Retirement Board.

Section 6. A member of the Retirement Board may be removed from office under the following circumstances:

- A. Upon expiration of a member's term;
- B. Upon resignation;
- C. Due to death or an illness or injury which renders the member incapable of performing his/her duties;
- D. For any other cause which brings into question a member's ability to perform his/her duties, including, but not limited to, misfeasance, malfeasance, conflicts of interest, conduct which calls into question the member's integrity, conviction of a serious crime or similar issues.

Section 7. The Retirement Board may establish rules and regulations for the conduct of its meetings. However, at least three (3) members of the Retirement Board must be present to constitute a quorum for the transaction of any business.

Section 8. Members of the Retirement Board shall serve without compensation for their services and shall not have a financial interest in any of its decisions. Except as otherwise provided by law, nothing herein shall prevent a person from serving as a member of the Retirement Board and voting on matters arising before the Retirement Board because he/she is a member of the retirement system.

Section 9. The Retirement Board shall comply with the requirements of Article 16, Section 17 of the California Constitution, the District Law pertaining to the retirement system (as applicable) and the Plan Document in the performance of their duties.

Section 10. The Retirement Board shall have exclusive control of the administration, investment and disbursement of the funds of the retirement system.

Section 11. The Retirement Board shall provide a report to the Board of Directors at least twice per year regarding the activities of the Retirement Board and the status of the Retirement System's investments.

Section 2. This ordinance supersedes, replaces and repeals Ordinance No. 8 and any prior ordinance(s) or resolution(s), which may conflict with it.

Section 3. This ordinance shall become effective thirty (30) days after its adoption, which shall be at least three days after its introduction. This ordinance shall be published once a week for two consecutive weeks following its passage in a newspaper of general publication within the District.

ORDINANCE NO. 10 WAS PASSED AND ADOPTED THIS 23rd day of April 1997.

AYES:	DIRECTORS:	PIRAS, BISCHOFBERGER, WOODBURY, VICE PRESIDENT WILLIAMS, PRESIDENT KILLIAN
NOES:	DIRECTORS:	CREASON
ABSTAIN:	DIRECTORS:	NONE
ABSENT:	DIRECTORS:	HAWLEY