

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

MEETING DATE: 5/27/2026

Staff Report No. 26-199

**TO:** AC Transit Board of Directors  
**FROM:** Aimee L. Steele, General Counsel/Chief Legal Officer  
**SUBJECT:** Agreement with Linda Nemeroff as an Independent Contractor

### ACTION ITEM

**AGENDA PLANNING REQUEST:**

#### **RECOMMENDED ACTION(S):**

Consider adopting a resolution No. 26-015 that (1) authorizes the General Manager to execute a contract with Linda Nemeroff as an independent contractor to provide consulting services to the Board of Directors, Board Officers, and the Board Administrative Officer/District Secretary's office on a limited duration, and (2) certifies to the AC Transit Employees' Retirement Plan and consistent with Government Code section 7522.56, that Ms. Nemeroff, who retired from the District on April 1, 2026, has skills needed to perform work of a limited duration, the nature of her consulting services, and the retention of Ms. Nemeroff is necessary to fill a critical need for consulting services before 180 days have passed from her retirement date.

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

#### **STRATEGIC IMPORTANCE:**

Goal - High-Performing Workforce  
Choose an item.

Providing access to Ms. Nemeroff's expertise and institutional knowledge for a limited duration will ensure a smooth transition in the District Secretary's office, provide onboarding and mentoring for the incoming District Secretary/Board Administrative Officer, and onboarding for Executive Coordinator and Executive Administrative Assistant new hires.

#### **BUDGETARY/FISCAL IMPACT:**

The anticipated budget for this contract is up to \$10,000. Ms. Nemeroff's proposed billing rate is \$225 per hour. There is currently a cost savings of \$19,118 per month for the months of April 2026 through June 2026 (\$57,355) due to Ms. Nemeroff's retirement, after accounting for the increase in salary of the Interim District Secretary.

#### **BACKGROUND/RATIONALE:**

After more than twenty (20) years as an employee of AC Transit, eighteen (18) of which were served as Board Administrative Officer/District Secretary, Ms. Nemeroff retired, effective April 1, 2026. The Board of Directors

is currently recruiting to fill the position of Board Administrative Officer/District Secretary. The current recruitment plan targets June 2026 for the installation of a regular Board Administrative Officer/District Secretary.

Ms. Nemeroff retired before a regular replacement was selected. The incoming hire will need to consult with Ms. Nemeroff immediately to ensure a smooth transition of responsibilities as well as a transfer of institutional knowledge.

Additionally, the District will be filling Executive Administrative Assistant and/or Executive Coordinator vacancies within the next six months. Ms. 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, the District 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.

Ms. Nemeroff is receiving a pension through the AC Transit Employees' Retirement Plan ("ACTERP"). ACTERP has informed the District it requires 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.

California Government Code section 7522.56 limits any person who is receiving a pension benefit from a public retirement system from being employed by, or employed through a contract directly by, a public employer in the same public retirement system from which the retired person receives the benefit without being reinstated from retirement.

Under that statute, a person who retires from a public employer may be employed without reinstatement from retirement or loss or interruption of benefits, if the following requirements are met:

- The retired person has skills needed to perform work of a limited duration;
- The hours worked will be no more than 960 hours in one year;
- The rate of pay must be comparable with the pay to employees performing similar duties;
- The retired person shall collect no service credit or retirement rights; and
- The post-retirement work commences no earlier than 180 days after the person's retirement date.

However, Government Code section 7522.56 authorizes a retired person to commence work within 180 days of retirement if the Board certifies the nature of the work and the retention of the person is necessary to fill a critical need before 180 days has passed. This action by the Board cannot be placed on the consent calendar.

This exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive. Ms. Nemeroff has not received any retirement-related incentive.

**ADVANTAGES/DISADVANTAGES:**

Providing access to Ms. Nemeroff on an immediate basis will provide a smooth transition in the 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 the District and need to be trained as quickly as possible upon their hire.

The only identified disadvantage is the cost associated with this contract.

**ALTERNATIVES ANALYSIS:**

Alternatively, the Board could choose not to authorize the General Manager/Chief Executive Officer to enter into a contract with Ms. Nemeroff. This is not recommended as Ms. Nemeroff's experience and institutional knowledge are critical to the successful onboarding and mentoring of an incoming Board Administrative Officer/District Secretary and establishing an onboarding process for newly hired Executive Coordinator(s) and Executive Administrative Assistants.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

None.

**ATTACHMENTS:**

1. Resolution 26-015

**Prepared by:**

Aimee L. Steele, General Counsel/Chief Legal Officer

**Approved/Reviewed by:**

Chris Andrichak, Chief Financial Officer

Salvador Llamas, General Manager/Chief Executive Officer