



Board Policy No. 100

Introduction to the Board Policy and Administrative Regulation Manual & Periodic Review Schedule

ADOPTED: 7/13/2016

RECENT AMENDMENT: 2/22/23

SEE ALSO: 100A

SUBJECT CATEGORY: SECTION 100 – GOVERNANCE & ADMINISTRATION

SUBSECTION: ADMINISTRATIVE

CONTROL DEPARTMENT: DISTRICT SECRETARY

I. PURPOSE

AC Transit's Board Policies and Administrative Regulations have been developed to assist the Board of Directors, Board Officers and employees in carrying out their respective roles and functions and to properly govern, manage and guide the District's business activities. Other individuals or groups specifically referenced shall also comply with District policies and regulations.

While the District's policies and regulations are intended to guide business activities, they do not include each and every action of the Board or directive of the General Manager. In certain situations, both a Board Policy and Administrative Regulation may be required on the same subject. In most instances, the Board adopts the overall direction for the District and the General Manager adopts a regulation describing how departments are to implement the adopted policy. Policies and regulations are subject to change and should be reviewed regularly and amended as needed. ~~Please refer to Administrative Regulation 100A for more information regarding the process to create, review, amend, suspend, or repeal a policy or regulation.~~

II. PERSONS AFFECTED

All Board Members, Board Officers, District employees (represented, unrepresented, temporary, limited term), individuals, groups, contractors and consultants.

III. DEFINITIONS

"AC Transit" or "the District" refers to the Alameda Contra Costa Transit District.

"Administrative Regulations" or "Regulations" refers to those directives prescribed by the General Manager to give uniform and consistent direction to all departments. Administrative Regulations may or may not relate specifically to an adopted Board Policy.

"Board" refers to the Board of Directors.

"Board Policies" or "Policies" refers to those directives adopted by the Board of Directors to govern the overall operation of the District and will normally give direction to Board Officers, most often the General Manager.

"Control Department" refers to the District Department responsible for the functions related to the specific Board Policy or Administrative Regulation.

IV. POLICY

A. General

All Board Policies and Administrative Regulations shall comply with Federal and State laws and regulations, including but not limited to the California Public Utilities Code, Sections 24501 et seq. (Transit District Law); California Government Code; Internal Revenue Service Code; Single Audit Act; and all other requirements of Local, State, and Federal Laws, regulations and District Policy. The policies and regulations of the District are subject to periodic review and amendment.

B. Applicability and Compliance

Persons Affected, as identified in Section II, are responsible for knowing and complying with the Board Policies and Administrative Regulations of the District. Individuals, groups, contractors and consultants specifically referenced are required to comply with District policies and regulations. All Board Policies and Administrative Regulations shall be available on the District's website.

C. Control Department Responsibilities

Control Departments shall be responsible for ensuring that assigned Board Policies and Administrative Regulations are reviewed and maintained. With respect to Board Policies, and unless otherwise directed by the Board, it shall be the responsibility of the Control Department to prepare and present the related agenda item to the Board.

Not later than December ~~15th~~^{31st} of each calendar year, Control Departments shall confirm ~~provide a list to~~ with the District Secretary ~~of the~~ schedule for the Board Policies that will be ~~ey intend to~~ reviewed the following year. The list shall be provided to the Board for information purposes at the first Board meeting in January.

D. General Counsel Review

All recommendations to create, amend, suspend or repeal a Board Policy and/or Administrative Regulation shall be developed under the guidance of the General Counsel and reviewed and approved as to form and legality by the General Counsel prior to being forwarded to the General Manager or Board of Directors for review and/or approval.

E. Periodic Review

1. Review Schedule

A Review Schedule has been developed to ensure that Board Policies are properly maintained and kept current. Administrative Regulations shall be reviewed at regular intervals. The General Manager may apply the schedule in this subsection to Administrative Regulations or establish a separate review schedule. Notwithstanding

the schedule outlined below, amendments to Board Policies may be required as needed as a result of changes in the law or regulations or upon request and/or direction of the Board.

- a. Section 100 – Governance & Administration – Board Policies contained in Section 100, shall be reviewed as-needed or at a minimum of every three years from the date of adoption or the last amendment.
- b. Section 200 – Human Resources – Board Policies contained in Section 200, shall be reviewed as-needed or at a minimum of every three years from the date of adoption or the last amendment.
- c. Section 300 – Finance - Board Policies contained in Section 300, shall be reviewed once every two years, ~~with the exception of~~except for the Investment Policy which shall be reviewed annually.
- d. Section 400 – Operations – Board Policies contained in Section 400, shall be reviewed as-needed or at a minimum of every five years ~~with the exception of~~except for those policies in the Procurement and Materials subcategory, which shall be reviewed every two years.
- e. Section 500 – Planning & Service Development – Board Policies contained in Section 500, shall be reviewed as-needed or at a minimum of every five years.
- f. Section 600 – Legal Matters - Board Policies contained in Section 600, shall be reviewed as-needed or a minimum of every three years.
- g. Section 700 – Conflict of Interest & Ethics – Board Policies contained in Section 700, shall be reviewed once every two years.

V. AUTHORITY

A. Board of Directors

The Board of Directors shall have sole authority to create, amend, suspend, and repeal Board Policies. Following review by the General Counsel, all recommendations to create, amend, suspend or repeal a Board policy shall be forwarded to the General Manager or other responsible Board Officer for placement on the Board agenda in accordance with the rules established for the placement of items on the agenda.

A majority vote affirmatively passed by not less than four Directors shall be required to create, amend, suspend, and repeal Board Policies. Following approval of new or amended policies, the electronic file shall be forwarded to and be maintained by the District Secretary for distribution, posting to the District's website, and future use in the preparation of amendments.

B. General Manager

The General Manager is authorized to create, amend, suspend, and repeal Administrative Regulations as needed or as directed by the Board. Administrative Regulations shall not create or confer any benefit to employees not authorized by the Board of Directors. The General Manager ~~may~~ develop written procedures outlining the process to create, review, amend, suspend or repeal an Administrative Regulation and shall work with the General Counsel to ensure that said regulations are consistent with the law and/or Board Policy.