ARTICLE 5. MEETINGS, AGENDAS

Section 5.1 Agenda Requirement

An agenda shall be prepared for each meeting of the Board. All agendas shall contain a brief general description of each item of business to be transacted or discussed at a meeting of the Board. No item shall be discussed during a meeting unless the subject is part of the posted agenda referenced in Section 5.2 or added to the agenda as referenced in Section 5.3. (Ref: GC Sec. 54954.2)

Closed Session items identified on the agenda shall contain the information specified in Government Code Section 54954.5. (Ref: GC Sec. 54954.5)

General meeting protocols shall accompany the agendas for each meeting and shall serve as notification to the public of the following:

(a) Rules for public comment;
(b) Rules governing the use of electronic devices at meetings (Ref. District Ordinance No. 12);
(c) Order of agenda items;
(d) Availability of agenda-related materials;
(e) Availability of audio/video streaming via the District's website;
(f) Information on accessible public meetings (accessible facilities, disability-related accommodations, interpreters, transit service, service animals, and the use of scented products); and
(g) Contact information for the District Secretary.

Section 5.2 Posting of Agenda

Agendas for regular meetings and adjourned-regular meetings, special meetings, and emergency meetings shall be posted in accordance with the posting requirements provided in Sections 4.4, 4.6, and 4.8 of this policy. All agendas shall be posted in a location freely accessible to the public and on the District's internet web site. Emergency meeting agendas are not required to be posted but shall be posted whenever possible. (Ref: GC Sec. 54954.2, 54955, 54956, 54956.2)

Section 5.3 Additions to Agenda After Posting

No item may be added to a posted agenda for discussion or action within 72 hours of a regular meeting ~~or within 24 hours of a special meeting~~ unless the Board makes one of the following necessary determinations:

(a) By a majority vote affirmatively passed by not less than four Directors it is determined that an "emergency" exists (as referenced in Section 4.6 of these rules); or
(b) By a two-thirds vote of the Board members present (or if less than two-thirds are present, by unanimous vote), that there is the need to take immediate action on an item which came to the attention of the District subsequent to the agenda being posted; OR
(c) The item appeared on a meeting agenda held within the previous 5 days and at the prior meeting the item was continued to the meeting at which action is being taken. (Ref: GC Sec. 54954.2)

Section 5.4 Order of Business

Meetings of the Board shall generally consist of the following order of business, which are more fully described in Article 6 of these Rules.

ROLL CALL
PRESENTATIONS
PUBLIC HEARINGS (when scheduled)
PUBLIC COMMENT
MODIFICATIONS TO THE AGENDA
CONSENT CALENDAR
REGULAR CALENDAR
CLOSED SESSION
AGENDA PLANNING
GENERAL MANAGER'S REPORT
BOARD/STAFF COMMENTS
ADJOURNMENT

The order of items may be changed from time to time at the discretion of the Board President or by a vote affirmatively passed by not less than four Boardmembers~~Directors~~ under the Modifications to the Agenda portion of the agenda. Other items, such as Oath of Office for new members, selection of the President/Vice President, or ceremonial presentations may be added to the above format as appropriate.

Section 5.5 Placement of Items on the Agenda

1. General. Items may be placed on an agenda at the direction of the Board of Directors or at the request of an individual Boardmember, the General Counsel, the General Manager or the District Secretary.

2. Requests by Boardmembers~~Directors~~ (Agenda Planning).

a. Requests by Directors for the placement of an item on any future open session Board agenda shall be made under the "Agenda Planning" portion of the Board agenda for regular meetings or at the request of the Board President for special meetings. Each item requested shall be agendized for consideration and be passed by not less than four affirmative votes of the Board.~~have the endorsement of at least three (3) Directors, including the requestor.~~ Each Director shall be limited to a maximum of ten~~fifteen~~ (10~~5~~) agenda planning requests per calendar year with no more than two requests made per meeting. Joint requests made by more than one Boardmember will be counted against the limit of the first Boardmember named on the request form. Agenda Planning requests are non-transferrable to any other Director and any "unused" agenda planning requests shall not be carried over to the next calendar year. ~~Requests for presentations by individuals or organizations outside of AC Transit are excluded from the Agenda Planning request limit.~~

b. When making an agenda planning request, Boardmembers~~Directors~~ shall:

1) Prior to making a request, make their best effort to discuss the item with the General Manager, ~~a member of his/her Executive Staff~~ or appropriate Board Officer in advance of the Board meeting at which the request will be made.

2) Complete and submit an Agenda Planning Request Form to the District Secretary no later than 5:00 p.m. on the Wednesday one week prior to the scheduled Board meeting in order for the form to be included in the agenda packet. All requests shall include the following:

- The name of the requesting Director and the meeting date at which the request will be considered.
- Specify whether the request is new or an amendment to an existing request. (see subsection d. below)
- State whether the request is for an "Action" or "Briefing" staff report or if it is to be included in the General Manager's Report.
- Expected meeting date (if known).
- A clear and thorough description of the item being requested, the purpose of the item and what is to be accomplished, worded in a way that eliminates the need for additional follow-up.

c. Agenda Planning Request Forms that are submitted after the deadline shall be held over until the next regularly scheduled Board meeting.

d. Amendments and/or clarifications to an existing agenda planning request shall follow the same process identified in subsection 2 (Requests by Directors) and meet the same deadlines and endorsement requirements required by this policy but shall not count towards a Director's annual allotment of requests. Directors shall take care to make said amendments and/or clarifications in a timely manner before staff begins preparation of the report. If the amendment or clarification is time-sensitive or otherwise urgent, it shall be made in writing to the appropriate Board Officer ~~(and staff)~~ with a copy to the Board. The Board shall take care as to not engage in discussion of any item before it is properly agendized.

e. In preparing responses to agenda planning requests, staff shall make their best effort to calendar the appropriate staff report in a reasonable amount of time in order to balance the needs of the Board with staff's other priorities.

~~f. The General Manager shall provide a Pilot Evaluation (PE) Report to the Board within 90 days after the conclusion of any pilot program, project, service or promotion previously authorized by the Board. Said reports do not need to be requested as part of the agenda planning process. At a minimum, PE reports shall discuss whether the pilot met its objectives, stakeholder engagement, staff's findings on what was learned/gained, overall effectiveness and recommendations for future action if applicable. To the extent available, staff shall use data to support their recommendations. The Board may provide additional direction to staff with regard to PE Report content at time the pilot is approved.~~

3. Removal of Items from Agenda Planning. Item(s) may be removed from the pending list by the Committee Chair and the Board President after consultation with the Boardmember who initiated the item. If the initiating Boardmember is no longer on the Board, the item may be removed by the Committee Chair and the Board President unless the item is renewed by a current Boardmember, in which case the placement of the item on the pending list is subject to the process outlined in subsection 2.a. above.

4. Requests ~~for Reconsideration~~to Redress an Action Taken at a Prior Meeting. If a Boardmember wishes to place an item on the agenda which has already been considered and acted upon by the Board within the previous six months, ~~he/she~~the Boardmember shall provide the District Secretary with a written explanation of the reasons the Board should consider the issue again. The District Secretary shall place the written explanation in the agenda packet under "Agenda Planning" and place the following notation on the agenda with the item: "(Previously considered and acted upon by the Board on [specify date])". Following discussion, the request for reconsideration must be affirmatively passed by not less than four Directors in order for the Board to consider the item again. If passed, the item shall be scheduled on a future agenda.

5~~4~~. Requests by Members of the Public. Members of the public interested in placing an item on a Board agenda may submit a written request to the Board of Directors. Copies of such requests shall be provided to all Boardmembers. The request shall be considered by the Board under "Agenda Planning", unless, in the opinion of the Board President it should be referred to the General Manager as an administrative matter.

~~5~~6. Items arising subsequent to the preparation of the agenda. The Board President, a Board member or a Board Officer may request that the Board consider an item that has arisen, and which meets the requirements for the need to take action rule set forth in Section 5.3.

~~6~~7. Items arising between meetings. There are instances where a request for an agenda item may arise between Board meetings that was not previously requested under Agenda Planning. If the General Manager (or designee), the Operations Chair (or Finance & Audit Chair of the Operations Chair is not available), and the Board President (or the Vice President if the President is not available) determine there is an urgent need or exigent circumstances that require the Board's consideration of the matter, the item may be added onto the next meeting agenda provided the agenda posting requirements for regular and special meetings are met. Staff is not required to prepare a written report if there is insufficient time to compose a complete report in these situations. Nothing in this section shall limit the ability of the Board President to place an item on the agenda.

Section 5.6 Agenda Preparation

A complete description of items to be included on agendas and all agenda ready written reports shall be submitted to the District Secretary by Boardmembers, the General Counsel or the General Manager no later than 5:00 p.m. on the Wednesday one week preceding each regular meeting. ~~For adjourned regular or special meetings, a description of agenda items shall be submitted to the District Secretary in a timely fashion.~~ This time provision may be waived for extenuating circumstances by the Board President, the General Manager or the District Secretary. (Ref. Administrative Regulation 101A)

The District Secretary, in coordination with the General Manager and General Counsel, shall prepare (assemble) agenda materials for all Board and Committee meetings.

Section 5.7 Review and Approval

The Board President, General Manager, General Counsel and the District Secretary shall review the Draft Agenda and the Board President shall approve the Final Agenda and the order of items.

Section 5.8 Documentation

Except for reports designated on the agenda as verbal reports, each agenda item submitted by Board Officers or their staff shall be supported by a written staff report and other supplemental documentation that may be necessary to enable the Board to make an informed decision on matters. If there is written documentation to support a verbal report, whenever possible, it should be submitted in advance of the meeting, otherwise it shall be provided at the meeting. Written reports shall be posted and maintained in perpetuity on the District's website unless, due to technological difficulties, the website is not available. In those instances, written reports and any supporting documents provided to the Board are to be posted to the website as soon as technologically feasible.

Staff Reports shall include the following elements:

(a) Subject: ~~-~~A brief yet specific statement that describes what the report is about.
(b) Recommended Action(s): ~~-~~The action(s) that staff is asking the Board to consider.
(c) Strategic Importance: A brief statement of how the action, proposal, or idea under consideration ties into the District's Strategic Plan and advances the goals, objectives, or initiatives identified in the Plan.
(d) Budgetary/Fiscal Impact: ~~–~~A statement that provides the following information:
- The amount of funds that are required for a particular proposal;
- Whether the proposal will increase/decrease costs or revenue;
- The source of the funding and whether it is budgeted;
- Immediate and long-term budgetary impacts;
- Any budgetary savings associated with a particular proposal;
- If applicable, details on total unit costs, prior costs, and what other agencies are paying for similar items/services;
- Disclosure of any necessary matching funds if matching funds are a required component for the utilization of grant funding; and
- Any ongoing multi-year operational costs resulting from the approval of a proposal.

(e) Background/Rationale: ~~-Provides sufficient background, history and information to assist the Board in making a decision and, when applicable, clarification of what would be accomplished, a description of potentially controversial aspects and legally required disclosures. This portion of the report should conclude with a restatement of the specific motion, resolution, or ordinance recommended to be adopted by the Board.~~ Provides sufficient background, history and information to assist the Board in making a decision and, when applicable, clarification of what would be accomplished and a description of potentially controversial aspects.. This portion of the report should conclude with a restatement of the specific motion, resolution, or ordinance recommended to be adopted by the Board.
(f) Advantages/Disadvantages: Provides a concise account of the advantages of the proposal as well as the impact any disadvantages may have on the District.
(g) ~~Alternatives Analysis: Provides a list of possible alternatives considered by staff and short reasons why each is not recommended.~~
Regulatory and Policy Framework: Provides the overarching laws, regulations, and Board policies that govern, guide, or influence a particular decision. This may include legal requirements imposed by government agencies, compliance standards, and internal policies that guide and support effective governance.
(h) Prior Relevant Board Actions~~ or Policies~~: ~~-~~Lists the dates and report numbers for most recent related actions taken by the Board directly related to the topic of the staff report.~~and any applicable Board Policies~~.

Section 5.9 Distribution

Agenda ready~~Fina~~l Staff Reports and associated agenda materials shall be supplied to the District Secretary as early as possible, but no later than 5:00 p.m. on the Wednesday preceding each meeting. For adjourned-regular and special meetings, reports and documentation shall be submitted in a timely fashion. (Ref: Administrative Regulation 101A)

Upon receipt of agenda materials, the District Secretary shall coordinate the compilation of agenda report packages for delivery and/or mailing or electronic distribution the Friday preceding each regular meeting to Boardmembers, the General Counsel and the General Manager and their designated staffs.

The District Secretary will send a copy of the agenda, or a copy of all the documents constituting the agenda packet, for any regular or special meetings to citizens and members of the press who have filed an annual request for such notices or documents within ninety (90) days of January 1 of each calendar year. The agenda and the documents in it shall be made available in appropriate alternative formats to persons with a disability. ~~The District Secretary may charge~~The ~~a~~ fee for mailing the agenda or agenda packet ~~which~~ shall not exceed the cost of providing the service. (Ref: GC 54954.1)

Upon request, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990, and the federal rules and regulations adopted in implementation thereof. The agenda shall include information advising a person with a disability who requires a modification or accommodation in order to participate in the public meeting to contact the District Secretary, and shall provide the District Secretary's phone number and a notice that a request must be submitted three business days in advance of a Board meeting of the need for a disability-related modification or accommodation, including auxiliary aids or services. (Ref: GC 54954.2)

Pursuant to the District's Public Participation Plan and Language Assistance Plan and subject to availability, interpreters will be provided upon request with 72 hours' notice to the District Secretary.