

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT  
RESOLUTION NO. 20-015**

**A RESOLUTION IMPOSING A PENALTY ON DIRECTOR GREG HARPER FOR VIOLATING BOARD  
POLICIES AND THE BROWN ACT**

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**WHEREAS**, Greg Harper is the Director for Ward 2 of the Alameda-Contra Costa Transit District (AC Transit or District) and as such is a member of its governing body, the Board of Directors (Board) and as such owes a fiduciary duty to the District; and

**WHEREAS**, Director Harper, a private attorney, was elected to this position in November 2000; and

**WHEREAS**, as a member of the Board of Directors, Director Harper received confidential information during the closed session meeting on November 13, 2019 at which time the District's Chief Labor Negotiator updated the Board on labor negotiations with ATU. Included in this update was a power point hand-out distributed to each of the Board members. The hand-outs were collected at the end of closed session. Director Harper admitted that he took approximately four (4) pages of the power point presentation with him when he left the closed session meeting that day; and

**WHEREAS**, on November 16, 2019, Director Harper attended ATU's Informational Rally held at Fruitvale BART Station and distributed at least two (2) copies of the closed session documents to others at the rally. Director Harper admits doing so and admits that he did not have Board permission to disclose these confidential documents; and

**WHEREAS**, the Board became aware of this disclosure of confidential documents and notified the former General Counsel, Denise Standridge, who conducted an investigation, including contacting Director Harper for his explanation. He admitted taking the documents and distributing them without Board permission. He was of the opinion that they were not confidential;

**WHEREAS**, because of the difference of opinion between General Counsel and Director Harper, the Board requested an outside opinion on the confidentiality of the documents. Outside counsel, Remcho, Johansen and Purcell, provided an opinion that Director Harper indeed violated the Brown Act and Board Policies 101 and 702; and

**WHEREAS**, the Board considered the opinion and other information submitted, including Director Harper's statements, as part of its consideration of the issues.

**NOW THEREFORE**, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

**Section 1.** The Board censures Director Greg Harper for his violation of disclosing confidential information from closed session and excludes him from future closed sessions regarding ATU labor negotiation discussions pertaining to the current contract being bargained.

**Section 2.** Directs the General Counsel to include discussions regarding the confidentiality of closed sessions in future trainings of the Board.

**Section 3.** This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

**PASSED AND ADOPTED** this 12th day of February 2020.

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Joe Wallace, President

Attest:

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Linda A. Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors held on the 12th day of February, 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Linda A. Nemeroff, District Secretary

Approved as to Form and Content:

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Jill A. Sprague, General Counsel