



BOARD/STAFF ROLES AND RELATIONSHIPS

AC TRANSIT BOARD
OF DIRECTORS
MARCH 31, 2021

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AGENDA

- Division of Roles and Responsibilities Under Transit District Law
- Board Policies 101 & 702
- Grand Jury Reports
- Rules to Live By



TRANSIT DISTRICT LAW: GM's Role

- Public Utilities Code §§ 24926 & 24936(b): the General Manager has full charge of administration of AC Transit's business affairs.
- §24926: "The board shall appoint and fix the salary of a general manager, who shall have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district and also of the administration of the business affairs of the district."



Transit District Law: Board's Role

- PUC § 24883: "the board is the legislative body of the district and determines all questions of policy."
- Sections 24883 and 24885-24890 generally describe the scope of the Board's authority as the policymaking body of the District, but section 24884 recognizes that the Board has inherent authority to take specific action necessary in order to fulfill its responsibility to oversee the affairs of the district.
- Case law interpreting similar provisions have found that the board is the governing and policy determining body while the chief executive is vested with all executive and administrative functions. One court concluded that under a similar statutory framework to Transit District Law, "the Legislature did not intend the Board to involve itself in 'micro-management.'"

BOARD POLICY 101

Pursuant to its statutory authority, the Board has adopted policies specifically addressing the manner in which Directors shall deal with District employees and reinforcing the delegation of responsibilities mandated in Transit District Law.

Board Policy 101, § 3.3 mirrors the statute, providing the General Manager with the powers and duties to (a) have full charge of the acquisition, construction, maintenance , and operation of the facilities of the District; and (b) have full charge of the administration of the business affairs of the District.

Section 3.7 provides that, except for inquiries, Directors shall deal with District employees solely through the General Manager or other Officer having supervisory responsibilities.

The Board shall not give orders to any District employee under the jurisdiction of an Officer, nor attempt to coerce or influence an Officer in matters relating to any contract, purchase, or any other administrative action, nor in any manner direct or request the appointment of any individual to, or removal from, his/her position by the General Manager.

BOARD POLICY 702

Board Policy 702 § J provides that Board Members, unless authorized by the Board, shall not individually direct the work of Board Officers or staff, or attempt to influence the content of reports from Board Officers or staff.

GRAND JURY REPORTS

- Board Policy 101 was adopted in response to the 1988 Alameda County Grand Jury Transportation Committee finding that AC Transit Board members' "continual interference in the day-to-day operations of the District failed to allow staff the latitude to operate in an effective and efficient manner."
- In its supplemental report, the 1988 Grand Jury noted that, "In trying to satisfy its learning need the Board meets on a weekly basis and requires voluminous reports from staff." Testimony from many of the staff indicates they spend days preparing meeting material and reports for the Board. The day following the meeting is spent determining what new reports are required for the next meeting, and then several more days of preparation are needed. Staff often regards the preparation of Board reports as their first duty. They also question whether their work is even read. The result is that staff has insufficient time to devote to what is its prime responsibility - managing the District."

Rules to Live By

Use caution in approaching, making requests to, or directing District staff.

Inquiries should avoid the appearance of directing day-to-day operations of the District and of "micromanagement."

All requests for information should be made at the executive staff level, with a copy to the GM.



QUESTIONS
