



Board Policy: PREAMBLE

Board Policy and Administrative Regulation Manual

ADOPTED: 7/13/2016
RECENT AMENDMENT: 3/27/19
SEE ALSO: N/A

SUBJECT CATEGORY: PREAMBLE
SUBSECTION: N/A
CONTROL DEPARTMENT: DISTRICT SECRETARY

I. PURPOSE

AC Transit's Board Policy and Administrative Regulation Manual has 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 manual contains major policies and regulations, it does 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 pursuant to this policy.

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.

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. Applicability and Compliance

Person Affected, as identified in Section 2, are responsible for knowing and complying with the Board Policies and Administrative Regulations of the District. Individuals, groups, contractors and consultants specifically referenced shall also comply with District policies and regulations as specified. All Board Policies and Administrative Regulations shall be available on the District’s website.

B. Control Department Responsibilities

Control Departments shall be responsible for ensuring that assigned Board Policies and Administrative Regulations are reviewed according to the schedule outlined in subsection D.1. Control Departments shall solicit input from other affected departments/divisions impacted by the policy or regulation in developing amendments thereto. 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 31st of each calendar year, Control Departments shall provide a list to the District Secretary of the Board Policies they intend to review the following year. The list shall be provided to the Board for information purposes at the first Board meeting in January.

C. 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 consideration and/or approval.

D. 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 and Administrative Regulations 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 but not to exceed 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 but not to exceed 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 the Investment Policy which shall be reviewed annually.
- d. Section 400 – Operations – Board Policies contained in Section 400, shall be reviewed as-needed to but not to exceed every five years with the exception of those policies in the Procurement and Materials subcategory, which shall be reviewed every two years.
- e. Section 500 – Planning & Service Development – Board Policies and Administrative Regulations contained in Section 500, shall be reviewed as-needed to but not to exceed every five years.
- f. Section 600 – Legal Matters - Board Policies and Administrative Regulations contained in Section 600, shall be reviewed as-needed to but not to exceed every three years.
- g. Section 700 – Conflict of Interest & Ethics – Board Policies and Administrative Regulations contained in Section 700, shall be reviewed once every two years.

V. AUTHORITY

A. Approval Process

1. Board Policies

The Board of Directors shall have sole authority to create, amend, suspend, and repeal Board Policies. Subsequent to 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 web site, and future use in the

preparation of amendments.

2. Administrative Regulations

The General Manager shall have authority to create, amend, suspend, and repeal Administrative Regulations as-needed or as directed by the Board. The General Manager shall develop written procedures outlining the approval process and shall work with the General Counsel to ensure that administrative regulations are consistent with the law and/or Board Policy. Administrative Regulations shall not create or confer any benefit to employees not authorized by the Board of Directors.

Following approval of a new or amended regulation by the General Manager, the electronic file(s) shall be forwarded to and maintained by the District Secretary for distribution, posting to the website, and future use in the preparation of amendments.