
Alameda-Contra Costa Transit District

Administrative Regulation No. 101A:

Board Agenda Item Preparation

Issuing Officer: General Manager

Date of Adoption: 9/1989

Most Recent Amendment: 5/14/2019

See Also: 101

Subject Category: Section 100, Governance & Administration

Subsection: Administrative

Control Department(s): District Secretary

I. PURPOSE

The purpose of this Administrative Regulation is to define the process of staff report creation and approval, and to instruct staff on the proper production of clear, understandable and accessible public documents in the form of Staff Reports which inform the decision-making process of the Board of Directors. This procedure is provided as a supplement to Policy 101 - Rules for Procedure, Article 5, Section 5.8 pertaining to documentation for Board meetings. Note: this Administrative Regulation is not intended as a user guide for any electronic agenda management software (Legistar) in use.

II. PERSONS AFFECTED

All Executive Staff, management, supervisory, administrative and designated personnel.

III. DEFINITIONS

“Agenda” refers to the public notice which contains a brief, general description of the items to be discussed or transacted by the Board.

“Board” refers to either the Board of Directors or a Standing Committee of the Board of Directors.

“Staff Report” refers to a report prepared to address an agenda item.

“Meeting” refers to a Regular Meeting of the Board of Directors and Board Committees which occur on the 2nd and 4th Wednesday of every month.

“Originating Department” refers to the department with the overall responsibility to plan, organize, prepare and present a Staff Report.

“Affected Department” refers to departments which have specific areas of expertise which warrant their review and collaboration on a staff report.

“Certified Document” refers to a copy of an original document on file with the District Secretary, which has been attested to by the District Secretary as being a true and correct copy of the original document and is embossed with the District seal.

“**Legistar**” refers to Electronic Agenda Management System (EAMS) software, used by AC Transit, that automates the preparation, approval and distribution of staff reports and other agenda related materials.

IV. REGULATION

A. Staff Reports

Staff Reports are prepared using MS Word Editor in Legistar. All formatting is dictated by the template used, therefore no format changes are to be made to the templates. One consistent format should be maintained throughout.

1. Type of Report: Each item presented by staff on a Board agenda shall be supported by a Staff Report prepared by the originating department, in collaboration with all affected departments and approved by the General Manager.
 - a. Briefing Items: Are informational in nature and require no action, or may be updates on specific items requested by the Board.
 - b. Action Items: Require discussion and/or action.
2. Placement on the Agenda:

All items to be placed on a Board agenda require advance approval. In general, it is the Staff Report requestor’s responsibility to obtain approval to place an item on an agenda. This is achieved by initiating a predefined approval sequence in Legistar. For items that are routine in nature, designated Administrative staff may also initiate the placement of an item on the agenda on behalf of the requestor. Detailed instructions are explained in the guide *Drafting Staff Reports in Legistar*, available on MYACT.

- a. Agenda Section: All items shall be placed on the appropriate section of the Agenda. Please consult Board Policy 101, Article 8 to determine the appropriate section, such as Planning Items, Finance Items, etc. The Board President and the General Manager may determine if an agenda item should be placed on the Consent Calendar.
 - b. Deadline to Schedule Agenda Items: Items must be added to the agenda, in Legistar, at least 30 days in advance, but in no event less than 21 days prior to the anticipated meeting date. The District Secretary will seek General Manager approval of all requests that are received with less than 21 days’ notice. The General Manager will be added to the approval sequence by the District Secretary in these instances.
3. Preparation Guidelines:
 - a. Subject: Be specific but brief. This is the first thing the public looks for in trying to identify items of interest on the agenda. Use key phrases, be consistent and spell out any acronyms. Consistency in referring to a specific program by the same title each

time it comes to the Board is very important, i.e. Service Deployment Plan, Bus Rapid Transit (BRT).

- b. **Recommended Action(s):** The action(s) requested in this section require careful wording to ensure that the Board takes the action being sought. If you fail to ask the Board to take all necessary actions, your department will have to return another time. Pursuant to the Brown Act, the Board cannot act on items not listed on the agenda. If multiple actions are being requested, it is helpful to list them or bullet them in the recommendation. The sentence typically begins with "Consider approving ..." Resolution numbers should be given in this section if applicable.
- c. **Budgetary/Fiscal Impact:** This section should detail the amount of funds that are available for, required for, or assigned for a particular purpose. It should address whether the proposal will increase/decrease costs or revenue, where the funds are coming from if not already budgeted, and what the immediate and long-term impacts are on the budget.

If applicable, provide total unit costs, prior costs, and what others are paying for similar items/services. If matching funds are required for the utilization of grant funding, the source and amount of the matching funds must be disclosed. If there are ongoing multi-year budget implications resulting from the approval of a project, proposal or system, this section should elaborate on the projected impact.

- d. **Background/Rationale:** This section is a discussion of the item including sufficient history, background information, and data to provide the Board with the necessary information to make a fully informed decision. Where applicable, the background should include financial implications, clarification of what would be accomplished, a description of potentially controversial aspects, and legally required disclosure. This section should conclude with a statement of the specific motion, resolution, or ordinance recommended for adoption by the Board.

The first paragraph of this section should be informative, yet brief and will serve as the reader's introduction to the entire item. Its purpose is to concisely present the reasons the item is being brought to the Board and the action(s) requested of the Board. For example, when writing a Staff Report that deals with policy questions, summarize the issue(s) the Board is being asked to consider. If your Staff Report is more operational in nature, show how the recommended action relates to prior Board direction. Because this subsection of the Staff Report is the reader's introduction, it is generally helpful to begin with a sentence or two explaining the nature of the program, project or activity and the District's role. Start by referencing prior Board direction, if any, including the applicable date(s).

The second and subsequent paragraphs tell the full story of the Staff Report. They explain what the Board is being asked to do, whom, why, what, when and the anticipated results. Keep these points in mind:

- *Be organized.* Content must be easy to read and understand. Depending on the amount of information that must be provided, this section can be a complete report or a summary of more detailed material provided in one or more attachments. If you have several pages of information, consider whether it should be summarized in this section and described more fully in attachments.
 - *Provide an appropriate context.* Context should provide the facts necessary for an informed decision by the Board and be written in such a way that it can be easily understood by the public. Establishing the context may involve describing the reasons the District is legally responsible, giving the chronology of the District's involvement, detailing the Board's policy directives, or discussing a gap in services which should be addressed. Emphasize important points, highlight key issues and explain/justify all recommended actions.
 - *Avoid use of jargon or acronyms.* If technical terms are necessary, explain them for the layperson. Acronyms commonly used throughout the transit industry and familiar to the Board of Directors may be used as long as the full phrase is written out the first time the acronym appears. However, keep in mind that using even common acronyms may tend to distract the reader and make your Staff Report more difficult to follow.
 - *Make your report visually appealing.* Visual aids (bullet points, subheadings, and "white space" etc.) help to break up the text, streamline the presentation, and clarify complex issues.
 - The use of *tables, charts or graphs* in the Staff Report shall be kept to a minimum as they may not translate well in Legistar. It is recommended that tables, charts and images be attached to the Staff Report and referenced in the text of the report. The report should highlight the key findings of the attached charts.
 - *Reread and spell check your report carefully.* Mistakes in spelling, grammar, punctuation or syntax will require correction.
 - *Supporting Documents.* Do not assume that lengthy documents, i.e. contracts, agreements, and environmental documents submitted for Board approval will be read at length. The Staff Report should highlight the key features and binding provisions of these documents. In addition, Staff Reports or attachments which make use of quotes, photos, etc. should properly attribute their source in order to respect copyrights.
- e. **Advantages/Disadvantages:** This section should concisely outline the advantages/disadvantages of the proposal or program in terms of the impact it may have on the District. In drafting advantages and disadvantages the author of the report should address the following questions:

- What is the impact of the proposal on the District?
 - What are the benefits to the District?
 - Does the proposal contribute to achieving District goals?
 - Does the proposal place the District in an unfavorable service, operational, fiscal or budgetary condition?
- f. Alternatives Analysis: This section shall list alternatives that were considered by staff and provide short reasons why each is not recommended.

B. Staff Report Development

The following process and submission deadlines shall be followed in the development of Staff Reports. Staff Report deadlines are defined in sections IV.A.2.b. and IV.B.3. of this Administrative Regulation.

1. Pre-Approval Collaboration

Collaboration between report authors and all departments affected by the subject of the report is the first step in developing any Staff Report. Early collaboration will assist the author in gathering a District wide picture, versus a department picture, of a subject. Ideally, this communication should begin before reports are drafted.

Report authors should be mindful of the process and deadlines established within their own department to ensure timely approval by Executive Staff Team member. (Deadlines are defined in sections IV.A.2.b. and IV.B.3. of this Administrative Regulation)

2. Pre-Defined Final Approval Process in Legistar:

The final staff report approval process is established through pre-defined approval sequences in Legistar for each department. The sequences are designed to include a Department's Executive Staff Team Member as an approver as well as the District Secretary, General Council, Chief Financial Officer and General Manager. These approvers shall not be removed, bypassed or replaced in any way. However, the District Secretary may determine that certain staff reports need not require approval per se, and may change the approver action to FYI on a case-by-case basis. Detailed instructions are covered in Legistar guide *Approving Staff Reports in Legistar*.

a. Approval by Executive Staff Team Member

Each Executive Staff Team Member shall review and revise reports in Legistar to ensure that the input of all affected departments has been incorporated, the contents of the report are accurate and concise, and the report meets the general expectations outlined in the Staff Report preparation guidelines in Section IV.A.

b. Review by the District Secretary: Further in the approval sequence, the final version of the Staff Report with attachment(s), approved by the Executive Staff Team Member,

Questions concerning this Administrative Regulation should be referred to the General Counsel and the Control Department listed at the top of this document.

shall be submitted to the District Secretary in accordance with the published deadlines for staff reports.

Reports will be inspected by the District Secretary’s Office and may be immediately returned in Legistar to the requester to address questions, comments or formatting issues raised by the District Secretary, or for failing to meet the established requirements outlined in Board Policy 101 and/or this Administrative Regulation. The requester must address any issues raised in the review, before the report can be routed further.

- c. **Financial Review:** In general, review is only required for Action Items that have an impact on the budget; however, the General Manager may require the Chief Financial Officer to review Briefing or other Action items. There is no need for the Chief Financial Officer to review Briefing Items unless requested by the General Manager. In all cases, managers and Executive Staff Team members are required to carefully review the Budgetary/Fiscal Impact Statement for completeness as part of the overall review of the report prior to submitting it.
- d. **Legal Review:** Prior to routing to the General Manager, the General Counsel shall review and approve all documents that are legal in nature or that have legal implications. In general, Staff Reports regarding the following types of agenda items require review by the General Counsel’s Office:

Routine Legal Matters	Complex Legal Matters
Grant applications	Ordinances
Resolutions	New Policies
Policy Amendments	Environmental Matters/Documents
Contract Awards/Amendments	Bus Procurements
Service Changes	Complex Financial Transactions
Public Hearings	(COPS/RANS)
	Retirement Plan Amendments

Additionally, pending agenda items are reviewed during Executive Staff meetings and a determination may be made at that time to require other types of reports to be reviewed by the General Counsel.

- e. **General Manager Review:** Upon completion of the General Counsel review, the General Manager will review the report and request final changes if needed. Staff is expected to return the report, in Legistar, to the General Manager with all changes and edits incorporated within 24 hours, unless more time is granted by the General Manager.

3. Deadline for Final Approval

All staff reports are due to be approved by the General Manager no later than 5:00 p.m. on the Wednesday, preceding the scheduled Board meeting.

4. Late Reports:

- a. All reports received by the District Secretary after 5:00 p.m. on Wednesday prior to the meeting date are considered late. The initiating department is then required to provide the District Secretary with a status update if this information is not available in Legistar.

Late reports are subject to placement in the Board's red meeting folders.

- b. All red folder items, including handouts, revised reports, and revised resolutions must be approved by the General Manager.

5. Revised Reports:

Any published report requiring revision shall be coordinated through the District Secretary's Office. Please contact the District Secretary for instructions.

6. Related Reports:

Related Reports are required when the Board has directed staff to provide additional information with regard to a specific Staff Report, or when reports have a linked legislative history. These reports are identified by using the original Staff Report number followed by a letter indicating a series of reports in the legislative history.

7. Attachments:

- a. All attachments must be in a clear, understandable format and in a font size suitable for reproduction.
- b. All attachments must be listed on the Staff Report under "Attachments".
- c. Attachments (actual document(s)) must be labeled with the:
 - Report and attachment number (i.e. SR 03-001, Attachment 1) in 12 pt Calibri font in the upper right-hand corner of the document. If staff report number is not available, the drafter or designated administrative staff shall label the report with the temporary number assigned in Legistar.
 - Page numbers on each page of the document.
- d. Attachments shall be printed by District Secretary's Office on letter size paper, for public display at Board Meetings. Ledger size paper, at the District Secretary's discretion, may be used if it is essential for legibility and presentation.
- e. Data on charts or graphs should be easy to read. Fonts should be large enough to read, and clearly contrast with any background shading.

- f. PowerPoint documents shall be printed by District Secretary’s Office, for public display at Board Meetings, two slides per page unless this renders them illegible, in which case one slide per page is acceptable.

8. Special Instructions:

Watermarks: Watermarks are not to be used on documents as they obscure the text of the document after it is photocopied. In lieu of using watermarks, it is recommended that words like “Draft”, “Sample”, “Copy”, “Confidential”, etc. be noted in the upper right hand corner of the document under the Staff Report Number.

9. Certified Documents:

Requests for certified documents, including the number of copies requested and the date needed, must be provided in the Internal Notes field in Legistar.

C. Guidelines for Development of Public Hearing Notices (Departmental Responsibilities)

1. Scheduling: As soon as a department determines there is a need to schedule a public hearing, advance notice shall be given to the District Secretary prior to placing the matter on the appropriate Board agenda. Action by the Board to set a public hearing should take place no less than 28 days prior to the proposed date of the hearing unless more notice is required by law. For service and fare changes, staff should factor certain activities such as the preparation of brochures and translated materials, community outreach, etc. into the determination of a public hearing date (roughly 60 days). Media Affairs, Marketing and Community Relations shall also receive notice from the initiating department that a hearing is being scheduled.
2. Development of Legal Notice: Board Policy generally requires that the District publish legal notice of a public hearing twice; 14 days and 7 days before the hearing unless special provisions apply (see Board Policy 110). The public hearing notice template is available at MYACT under District Secretary/Templates and Instructions.
3. The process for the drafting and finalizing the legal notice is as follows:

Activity	Responsible Department
Preparation of the Draft Public Hearing Notice (a copy of the draft notice shall accompany the Staff Report to set the public hearing as an attachment).	Initiating Department
Provide notice to Marketing, Community Relations, and Media Affairs that a public hearing has been set.	

<p>Review of the Draft Public Hearing Notice as part of the Staff Report approval process in Legistar:</p> <ul style="list-style-type: none"> ▪ Review meeting date, time, location, methods of public comment, interpreter and accessibility information ▪ Review of the project description/ proposal to ensure parameters for the hearing are correct. ▪ Overall review of content 	<p>District Secretary</p> <p>General Counsel</p> <p>General Counsel</p>
<p>Incorporation of any changes into final document</p>	<p>Initiating Department</p>
<p>Review and approval of the Final Public Hearing Notice</p>	<p>General Counsel/District Secretary</p>
<p>Translation/Publication of Legal Notice</p>	<p>Media Affairs</p>

4. Publication Information: Media Affairs shall provide the District Secretary with the publication dates and a list of the publications the notice appeared in as soon as this information is available.
5. Affidavit of Publication: The District Secretary is to receive a copy of all affidavits associated with the publication of public hearing notices for incorporation into the record of the meeting.

Approved by:



Michael A. Hursh, General Manager
Alameda-Contra Costa Transit District