

Memorandum

TO: Board of Directors
FROM: Madeline Chun, Legal Counsel
DATE: December 18, 2014
RE: **Amending Conflict of Interest Code**

ACTION

It is recommended that the Board of Directors adopt the attached revised Conflict of Interest Code and Appendices.

SIGNIFICANCE

California Government Code Section 87306.5 requires every local agency to review its Conflict of Interest Code in each even-numbered year and to amend the Code if necessitated by changed circumstances.

Accordingly, we have updated the designated positions to reflect organizational changes that were made after the last review of the Code. Specifically, the positions of Senior Manager of Transportation and Manager of Safety and Training have been added and the position title for the Manager of Customer Service and Public Outreach was revised. Finally, the position of General Manager is required by statute to file a Statement of Economic Interests (Form 700). Therefore, it is unnecessary to include this position on the Authority's list of designated positions.

In addition, the disclosure categories have been updated to reflect guidance from the FPPC. The disclosure category for interests in real property is now separate from the disclosure category for interests in business entities that contract with County Connection. Additionally, the FPPC has added a disclosure category to cover interests in sources that have filed claims against the public agency within the last two years, in order to identify possible conflicts that were not captured by the previous disclosure categories. The disclosure categories for each of the designated positions have been updated as appropriate.

ATTACHMENTS

For the Board's reference, the following documents are attached:

1. The proposed Conflict of Interest Code, including the revised Appendices of Designated Positions and Disclosure Categories; and
2. Resolution No. 2015-016 amended to adopt the Conflict of Interest Code.

CONFLICT OF INTEREST CODE

CENTRAL CONTRA COSTA TRANSIT AUTHORITY

Adopted on February 19, 1981 pursuant to Resolution No. 1981-001

Amended on July 16, 1988 pursuant to Resolution No. 1988-043

Amended on September 15, 1994 pursuant to Resolution No. 1995-008

Amended on September 19, 1996 pursuant to Resolution No. 1997-001

Amended on September 17, 1998 pursuant to Resolution No. 1999-02

Amended on September 21, 2000 pursuant to Resolution No. 2001-007

Amended on September 19, 2002 pursuant to Resolution No. 2003-007

Amended on September 16, 2004 pursuant to Resolution No. 2005-003

Amended on September 21, 2006 pursuant to Resolution No. 2007-009

Amended on August 21, 2008 pursuant to Resolution No. 2009-004

Amended on September 16, 2010 pursuant to Resolution No. 2011-003

Amended on September 16, 2012 pursuant to Resolution No. 2013-003

Amended on December 18, 2014 pursuant to Resolution No. 2015-016

**CONFLICT OF INTEREST CODE FOR THE
CENTRAL CONTRA COSTA TRANSIT AUTHORITY (County Connection)**

The Political Reform Act of 1974, Government Code Sections 81000, *et seq.*, requires State and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments by the Fair Political Practices Commission in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendices, designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Central Contra Costa Transit Authority (County Connection).

Individuals holding designated positions shall file their statements of economic interests with County Connection, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) County Connection will retain a copy of each statement and forward the originals to the Contra Costa County Board of Supervisors, which shall be the filing officer.

APPENDIX A

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Category(ies)</u>
Director of Maintenance	1
Director of Planning and Marketing	1, 2
Director of Transportation	1, 2, 3
Senior Manager of Human Resources	1
Senior Manager of Transportation	2
Manager of Customer Service and Public Outreach	2
Manager of Planning	1
Manager of Purchasing and Grants	2
Manager of Safety and Training	3
Legal Counsel	1, 2, 3
Consultants/New Positions	*

*Pursuant to Title 2, Division 6, California Code of Regulations, section 18734, Consultants/New Positions that make or participate in the making of decisions that may foreseeably have a material effect on any financial interest are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the Code, subject to the following limitation:

The General Manager may determine in writing that a particular consultant or a new position, is hired to perform a range of duties that are limited in scope and thus not required to comply with the disclosure requirements described in this section. Such determination shall include a statement of the consultant's or a new position's duties, and, based upon that description, a statement of the extent of disclosure requirements. The determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Section 81008.) Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

The positions listed below are NOT covered by the Conflict of Interest Code because they must file a statement of economic interests pursuant to Government Code Section 87200 and, therefore, are listed for information purposes only:

Members of the County Connection Board of Directors
Alternate Members of the County Connection Board of Directors
Director of Finance
General Manager

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the determination whether a position is covered by Section 87200.

APPENDIX B

DISCLOSURE CATEGORIES

Category 1: Interests in real property located within or not more than two miles outside the boundaries of the jurisdiction of or within a two mile radius of any land owned or used by County Connection.

Category 2: Investments and business positions in business entities, and income, including receipt of gifts, loans, and travel payments, from sources that provide products, services, supplies, materials, machinery, or equipment of the type utilized by County Connection or in projects funded by County Connection, including buses, insurance, information technology, telecommunications, public utilities, consultants, transportation companies, and manufacturers.

Category 3: Investments and business positions in business entities, and income, including receipt of gifts, loans, and travel payments, from, sources that filed a claim with or against County Connection during the previous two years, or have a claim pending with or against County Connection.

RESOLUTION NO. 2015-016

**BOARD OF DIRECTORS, CENTRAL CONTRA COSTA TRANSIT AUTHORITY
STATE OF CALIFORNIA**

* * *

ADOPTING AMENDED CONFLICT OF INTEREST CODE

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("County Connection"), a joint exercise of powers agency created under California Government Code Section 6500 *et seq.*, for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions;

WHEREAS, California Government Code Section 87306.5 requires that County Connection review its Conflict of Interest Code every other year, and revise it if necessary;

WHEREAS, Legal Counsel and the General Manager have reviewed the current Conflict of Interest Code and have determined that the Code should be updated to reflect current job titles and responsibilities, as well as to reflect revisions to the disclosure categories based on guidance from the Fair Political Practices Commission; and

WHEREAS, Legal Counsel and the General Manager recommend adopting the attached Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED by the Central Contra Costa Transit Authority Board of Directors that the revised Conflict of Interest Code hereby is adopted; and

BE IT FURTHER RESOLVED that the Board Clerk is directed to transmit a copy of the revised Code to the Board of Supervisors of Contra Costa County.

Regularly passed and adopted this 18th day of December 2014, by the following vote.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

A.G. Dessayer, Chair, Board of Directors

ATTEST:

Lathina Hill, Clerk to the Board