



# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

## Master Minute Order

**File Number: 20-059**

**Report ID:** 20-059

**Type:** Regular - External Affairs

**Status:** Passed

**Agenda  
Section:**

**Meeting Body:** Board of Directors -  
Regular Meeting

**Report Created:** 01/03/2020

**Final Action:** 01/22/2020

**ded Action:** Consider approving an amendment to Board Policy 702 - Conflicts of Interest and Standards for Ethical Conduct

**Sponsors:**

**Enactment Date:**

**Attachments:** STAFF REPORT, Att.1. Proposed Amendment to BP  
702

**Enactment Number:**

**Hearing Date:**

**Effective Date:**

### History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
Board of Directors - Regular Meeting	01/22/2020	Approved				Pass
<p><b>Action Text:</b> MOTION: YOUNG/WILLIAMS to approve an amendment to Board Policy 702 - Conflicts of Interest and Standards for Ethical Conduct The motion carried by the following vote:</p> <p><b>Notes:</b> General Counsel Denise Standridge presented the staff report, advising that an issue had arisen concerning a director's violation of the Brown Act and Board Policy by disclosing closed session information. Ms. Standridge advised that the nature of the policy amendment is to exclude anyone from closed session who has disclosed confidential information about the subject of the closed session without first obtaining approval from the Board of Directors.</p> <p>Director Harper admitted that he was the director who had removed information from closed session because he did not believe it was confidential, because there was not the required discussion about how the information related to terms in the contract being negotiated. He argued that Government Code Section 54963(e) states that it is not a violation of the Brown Act to disclose information that is not confidential. He believed that the change in policy amounted to an attempt to eliminate his defense. He further accused the District of using closed session too broadly, thereby keeping far too much information, in his estimation, from the press, riders, and the public. He believed that the policy language contained in section E needed to expressly say "confidential" information in order to be consistent with the</p>						

law.

President Wallace asked Ms. Standridge to respond, but was advised that without a waiver of privilege from the Board of the confidential legal opinion, it was difficult to have a discussion about the issue.

MOTION: PEEPLES/WALLACE To waive the privilege with respect to aforementioned legal opinion except for the appendices to said opinion. The motion carried by the following vote:

AYES:7: Peeples, Wallace, Harper, Williams, Shaw, Young, Ortiz

Ms. Standridge advised that outside counsel had provided the specific language for the Policy 702 amendment, noting that the amendment is under section E. of the policy pertaining to confidential information and assumes that the information being referenced in this section is only confidential information. She added that the staff report was very clear that there was a violation of the Brown Act and the Board Policy and this is confirmed in the legal opinion from outside counsel.

**Public Comment:**

Yvonne Williams, President of ATU Local 192, commented on Director Harper's actions, noting that it was an attempt to discredit ATU and paint the workforce as lazy and unwilling to show up for work and provide service to the public. She believes Director Harper's actions were worthy of censure by the Board given his tenure on the Board and blatant ignorance of the rules.

Ayes: 6 Vice President Ortiz, President Wallace, Director Williams, Director  
Peeples, Director Young, Director Shaw  
Nays: 1 Director Harper

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