

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 5/24/2023

Staff Report No. 23-296

TO: AC Transit Board of Directors
FROM: Linda A. Nemeroff, Board Administrative Officer/District Secretary
SUBJECT: Board Policy 702

ACTION ITEM

AGENDA PLANNING REQUEST:

RECOMMENDED ACTION(S):

Consider approving amendments to Board Policy 702 - Conflicts of Interest and Standards for Ethical Conduct.

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary
Jill A. Sprague, General Counsel/Chief Legal Officer

STRATEGIC IMPORTANCE:

There is no strategic importance associated with this report.

BUDGETARY/FISCAL IMPACT:

There is no budgetary/fiscal impact associated with this report.

BACKGROUND/RATIONALE:

Board Policy 702 was adopted in 2017 and was last amended in 2021. In the course of reviewing the policy, staff is proposing substantive amendments as follows:

Section IV.B. Conflicts of Interest was amended to codify Government Code Section 1099 concerning incompatible public offices. This section was also amended to incorporate the Levine Act which prohibits local elected officials from voting on licensing, permitting, or other entitlement proceedings if the official accepted a campaign contribution of \$250 or more from a financially interested person in the past 12 months.

Section IV.E. Confidential Information was amended to require Board members to report a real or perceived interest that conflicts with the District's position in potential or existing litigation matters and permits the Board to make a determination on whether to exclude said individual from participating in closed session discussions concerning the matter. In addition, language was added requiring Board members to refrain from texting during closed sessions and prohibiting the use of any device to record closed session discussions. The policy also requires that any notes taken by Board members during a closed session be turned over to the General Counsel. These measures will provide additional safeguards with respect to the confidentiality of

closed session information under the Brown Act.

In addition, minor non-substantive corrections and clarifications were made for consistency and readability purposes.

ADVANTAGES/DISADVANTAGES:

The amendments to Board Policy 702 intend to strengthen the District's policy with respect to conflicts of interest and safeguarding confidentiality. There are no disadvantages to the course of action recommended in this report.

ALTERNATIVES ANALYSIS:

There are no practical alternatives to the course of action recommended in this report.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Board Policy 702 was last amended in 2021.

ATTACHMENTS:

1. Board Policy 702 (Redlined)

Prepared by:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Approved/Reviewed by:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Jill A. Sprague, General Counsel/Chief Legal Officer