

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

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**MEETING DATE:** 11/1/2023

**Staff Report No.** 22-512a

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**TO:** AC Transit Board of Directors  
**FROM:** Linda A. Nemeroff, Board Administrative Officer/District Secretary  
**SUBJECT:** Conflict of Interest Code

### ACTION ITEM

**AGENDA PLANNING REQUEST:**

**RECOMMENDED ACTION(S):**

Consider receiving report on amendments to the District's Conflict-of-Interest Code as approved by the California Fair Political Practices Commission (FPPC) and subsume the amendments into Board Policy 701.

Staff Contact:  
Linda A. Nemeroff, Board Administrative Officer/District Secretary

**STRATEGIC IMPORTANCE:**

There is no strategic importance associated with this report.

**BUDGETARY/FISCAL IMPACT:**

There is no fiscal impact associated with this report.

**BACKGROUND/RATIONALE:**

The Political Reform Act requires every local government agency to review its Conflict-of-Interest Code in even-numbered years to determine if it is accurate or needs amendment. As the code-reviewing body for multi-county agencies like AC Transit, the FPPC must be given notice of any amendments.

The District Secretary, with the assistance of the General Counsel, reviewed the code in the fall of 2022 to identify areas that needed updates. On September 14, 2022, the Board of Directors received an update on the process and the proposed amendments. Shortly thereafter, the proposed code amendment, including justification for all changes, was forwarded to the FPPC for review. On August 3, 2023, a notice of the proposed amendments was posted and provided to all employees and advisory committee members, beginning a 45-day comment period, which closed on September 17, 2023. No comments were received.

On October 11, 2023, the FPPC advised that the District's revised code was approved. Amendments to the code consist of the following:

- Designation of new positions;
- Removal of positions that have been abolished;

- Revisions to the titles of existing positions;
- Removal of the Accessibility Advisory Committee; and
- Revisions to the disclosure categories for various positions listed in the code.

The new code will become effective on November 10, 2023. Because the Board does not exercise authority over the code, staff recommends that the Board subsume the current amendment approved by the California FPPC into Board Policy 701 - Conflict of Interest Code.

**ADVANTAGES/DISADVANTAGES:**

The advantage of conducting a thorough review of the District's Conflict-of-Interest Code every two years is to ensure accurate disclosure of material interests by agency officials who make or participate in making governmental decisions. Ultimately, this serves as a catalyst to ensure public trust in government.

**ALTERNATIVES ANALYSIS:**

Because AC Transit is a multi-county agency, the Board of Directors has no authority to approve or enact changes to the Conflict of Interest Code. The authority to amend the code rests solely with the California FPPC.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

Board Policy 701 - Conflict of Interest Code for the Alameda-Contra Costa Transit District  
Staff Report 22-512

**ATTACHMENTS:**

1. Approved Conflict of Interest Code

**Prepared by:**

Jelena Harada, Assistant District Secretary

Linda 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