

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

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**MEETING DATE:** 5/14/2025

**Staff Report No. 25-286**

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**TO:** AC Transit Board of Directors

**FROM:** Linda A. Nemeroff, Board Administrative Officer/District Secretary

**SUBJECT:** Board Policy 703 - Assessing and Waiving Fines for Late Filing of a Statement of Economic Interest

### ACTION ITEM

**AGENDA PLANNING REQUEST:** ☐

**RECOMMENDED ACTION(S):**

Consider review of Board Policy 703 - Assessing and Waiving Fines for the Late Filing of a Statement of Economic Interest (Form 700) with no recommended amendments.

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 budgetary or fiscal impact associated with this report. However, the policy has had a positive impact in reducing the number of late filings, which has ultimately reduced the amount of staff time and resources required to chase late filings.

**BACKGROUND/RATIONALE:**

The California Fair Political Practices Commission (FPPC) is responsible for regulating the impartial and effective administration of the Political Reform Act, which requires state and local government agencies to adopt and promulgate Conflict-of-Interest (COI) Codes. Pursuant to the District's COI Code, Board members, Board Officers, and District employees who hold positions designated in the code, as well as any designated consultants, are required to report their economic interests when assuming or leaving office and on an annual basis. The District Secretary serves as the filing officer for the District's COI Program and determines the course of action to be taken on late and non-filing issues.

To encourage timely filings, Government Code Section 91013 imposes a \$10 per day fine up to the maximum of \$100 for the late filing of a Statement of Economic Interest. To ensure that fines are assessed/waived on an impartial basis, the FPPC recommends the adoption of written guidelines. Board Policy 703 was introduced in 2022 to formalize these guidelines for AC Transit's filers. The attached policy has been reviewed by staff who determined that it aligns with the FPPC guidelines; therefore, no amendments are proposed.

**ADVANTAGES/DISADVANTAGES:**

Board Policy 703 ensures that fines for the late filing of a Form 700 Statement of Economic Interest are assessed/waived on an impartial basis and, in doing so, helps resolve late filings quicker with fewer referrals to the FPPC for enforcement.

**ALTERNATIVES ANALYSIS:**

The FPPC recommends that agencies have clear guidelines with respect to the assessment and waiver of fines; therefore, no other alternatives were considered, and the policy remains current and up to date.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

Board Policy 701 - Conflict of Interest Code for the Alameda-Contra Costa Transit District

**ATTACHMENTS:**

1. Board Policy 703 - Assessing and Waiving Fines for Late Filing of Fair Political Practices Commission (FPPC) Related Documents

**Prepared by:**

Linda A. Nemeroff, Board Administrative Officer/District Secretary

**Approved/Reviewed by:**

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Aimee L. Steele, General Counsel/Chief Legal Officer