

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

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**MEETING DATE:** 1/22/2020

**Staff Report No.** 20-059

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**TO:** AC Transit Board of Directors  
**FROM:** Denise C. Standridge, General Counsel  
**SUBJECT:** Board Policy 702 - Conflicts of Interest and Standards for Ethical Conduct

### ACTION ITEM

#### **RECOMMENDED ACTION(S):**

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

#### **STRATEGIC IMPORTANCE:**

Goal - Strong Public and Policymaker Support

The proposed amendment is in furtherance of ethical conduct by all persons involved in closed session discussions, which will garner public and policymaker support.

#### **BUDGETARY/FISCAL IMPACT:**

The proposed amendment does not have a budgetary or fiscal impact.

#### **BACKGROUND/RATIONALE:**

Recently, the Board faced an issue involving one of its directors disclosing confidential information from Closed Session. As a result, the Board requested an opinion from outside counsel. Arising out of this situation, it is recommended that the Board amend Board Policy 702 to provide language allowing for the exclusion of a Director, or anyone involved in closed session, who violates the confidentiality of closed session. No other amendments to this policy are recommended at this time.

#### **ADVANTAGES/DISADVANTAGES:**

The advantage of this proposed amendment is to provide the Board a remedy to exclude a Director when s/he violates the confidentiality of closed session. There is no disadvantage of this proposed amendment.

#### **ALTERNATIVES ANALYSIS:**

The alternative is to leave the policy as is without the exclusion language. This is not recommended as the exclusion possibility provides the Board with an additional remedy and is less severe than going to the Grand Jury or seeking an injunction.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

Board Policy 702 - Conflicts of Interest and Standards for Ethical Conduct.

**ATTACHMENTS:**

1. Proposed Amendment to Board Policy 702

**Prepared by:**

Denise C. Standridge, General Counsel

**Approved/Reviewed by:**

Michael A. Hursh, General Manager

Linda A. Nemeroff, District Secretary