

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 9/14/2022

Staff Report No. 22-512

TO: AC Transit Board of Directors
FROM: Linda A. Nemeroff, District Secretary
SUBJECT: Biennial Review/Amendment of Conflict of Interest Code

BRIEFING ITEM

AGENDA PLANNING REQUEST:

RECOMMENDED ACTION(S):

Consider receiving report on proposed amendments to the AC Transit Conflict of Interest Code.

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.

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 in need of amendment. As the code reviewing body for multi-county agencies, the Fair Political Practices Commission (FPPC) must be given notice of any amendments. AC Transit's Conflict of Interest Code was last amended by the FPPC in August of 2021.

Proposed amendments to the code include the addition of new job classifications and revisions to the titles of existing classifications that occurred since the last code amendment. In addition, staff is recommending the removal of one classification that does not belong in the code and the downgrading of the Chief Operating Officer position from a GC 87200 filer to a regular filer as this position no longer makes investment decisions and does not require such broad disclosure. The draft code (Attachment 1) proposes 10 amendments which have been reviewed and concurred with by both the General Manager and the General Counsel. Because the process of amending the code is lengthy, staff may recommend additional amendments to the FPPC so that the final code approved by the Commission is up-to-date.

The draft code amendment will be forwarded to the FPPC for initial review. Once staff has addressed any follow up questions from the FPPC, the amended code will be subject to a 45-day public comment period. All current Form 700 filers under the code will receive notice. Following the close of the comment period, any comments received will be forwarded to the FPPC for review. Staff anticipates the FPPC's approval of the code amendment in the spring of 2023.

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. This process is required of all public agencies; therefore, there are no disadvantages.

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 FPPC.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Board Policy 701 - Conflict of Interest Code

ATTACHMENTS:

1. Draft Amendment to the Conflict of Interest Code
2. Explanation of Amendments

Prepared by:

Jelena Harada, Assistant District Secretary

Approved/Reviewed by:

Michael A. Hursh, General Manager

Jill A. Sprague, General Counsel

Linda A. Nemeroff, District Secretary