



**Contra
Costa
County**

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: April 14, 2015

Subject: Conflict of Interest Code of TRANSPAC

RECOMMENDATION(S):

Approve the attached TRANSPAC Conflict of Interest Code.

FISCAL IMPACT:

None.

BACKGROUND:

The Central Contra Costa Transportation/Land Use Partnership ("TRANSPAC") is a joint powers authority established pursuant to a Joint Powers Agreement, and as such, adopted a Conflict of Interest Code on February 12, 2015. The Conflict of Interest Code designates TRANSPAC Committee members and administrative staff as designated positions in accordance with the California Political Reform Act. Pursuant to Government Code section 87303, TRANSPAC submits the attached Code for approval by the Board of Supervisors. A copy of TRANSPAC's action is also attached.

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board elect to not approve the Conflict of Interest Code, TRANSPAC will not be in compliance with Government Code section 87303.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **04/14/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor

ABSENT: Federal D. Glover, District V
Supervisor

Contact: Cynthia A. Schwerin, Deputy
County Counsel, 335-1874

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 14, 2015

David J. Twa, County Administrator and Clerk of the Board of
Supervisors

By: Stacey M. Boyd, Deputy



ATTACHMENTS

**TRANSPAC Conflict of Interest
Code**

CENTRAL CONTRA COSTA TRANSPORTATION/LAND USE PARTNERSHIP BYLAWS

ARTICLE I - GENERAL PROVISIONS

1.1 Purpose.

The Central Contra Costa Transportation/Land Use Partnership ("TRANSPAC") is a joint powers authority, established under the laws of the State of California (Government Code, section 6500 et seq.) and governed by that certain TRANSPAC Joint Powers Agreement dated August 21, 2014 ("Agreement"). The definition of terms used in these Bylaws shall be the same as contained in the Agreement, unless otherwise expressly provided herein. If any provision of these Bylaws conflicts with the Agreement, the Agreement shall govern.

1.2 Offices.

The principal office for the transaction of the business of TRANSPAC shall be located within Central Contra Costa County at a place fixed by the Board from time to time. The Board may also establish one or more subordinate offices at any place or places within Central Contra Costa County.

1.3 Amendments to Bylaws.

The Bylaws may be amended by majority vote of the Board. Any such amendment shall become effective immediately, unless otherwise stated therein.

ARTICLE II - BOARD AND MEETINGS

2.1 Board.

The Board shall consist of 6 members, one member from each Agency. For the City Agencies, one councilmember shall be appointed to the Board by the respective City Council. For the County Agency, one Supervisor shall be appointed to the Board by the County Board of Supervisors. The Board shall also consist of 6 ex-officio members, one member from each Agency. For the City Agencies, one planning commissioner shall be appointed as an ex-officio member of the Board by the respective City Council. For the County Agency, one planning commissioner shall be appointed as an ex-officio member of the Board by the County Board of Supervisors. Ex-officio members shall not be entitled to vote and shall not be counted towards the quorum.

2.2 Powers of Board.

Subject to the powers and limitations as provided by law, the Agreement, or these Bylaws, all powers of TRANSPAC shall be exercised, its property controlled and its affairs conducted by the Board as is further specified in the Agreement.

2.3 Compensation of Board Members, Committee Members and Officers.

Board members, members of committees and officers shall receive no compensation for their services. There will be no per diem or travel reimbursement for attending Board or committee meetings. However, they shall be able to receive reimbursement of such reasonable and necessary expenses incurred on behalf of TRANSPAC upon review of supporting documentation as may be determined by the Board.

2.4 Officers.

The officers of TRANSPAC shall be the Chair, Vice Chair, Treasurer/Auditor, and Secretary and such other officers as the Board may appoint. The responsibilities of said officers shall be as set forth in the Agreement or as otherwise set forth in writing by the Board. The Board shall elect the Chair, Vice Chair, Auditor/Treasurer, and Secretary from among the elected officials, unless otherwise provided for in the Agreement. Any officer may be removed, either with or without cause, by a majority vote of the members at any duly held regular or special meeting of the Board. Any officer may resign at any time by giving written notice to the Board, the Chair, or the Secretary. Any such resignation shall take effect at the date of the receipt of such notice, or at any later time specified therein and, unless otherwise specified, the acceptance of such resignation shall not be necessary to make it effective. In case any office becomes vacant, the Board shall fill the vacancy at the next regular meeting or as soon as practicable thereafter.

2.5 Meetings.

Regular meetings of the Board shall be held at such day, time and place within Central Contra Costa County as the Board may determine. All meetings of the Board, whether regular, special or adjourned shall be open to the public, except for closed session as authorized by law. The Board may adopt reasonable regulations that limit the total amount of time allotted for public speakers and for each individual speaker.

2.6 Advisory Committees.

The Board may establish advisory committees to meet the needs of TRANSPAC. The chairperson of each advisory committee or his or her designee shall provide periodic reports to the Board at its regular meetings. All advisory committees that are standing committees shall be subject to the Ralph M. Brown Act (California Government Code section 54950 et seq.).

ARTICLE III –EMPLOYEES

3.1 Managing Director.

The Board shall appoint a Managing Director, who shall administer the day-to-day activities of TRANSPAC and report to the Board. The Managing Director shall attend meetings of the Board, but shall have no vote, and shall administer the business and activities of TRANSPAC, including those specific duties assigned by the Board or required by the Agreement. The Managing Director shall provide for such other employees and consultants as may be necessary for management of TRANSPAC's business, subject to approval by the Board.

3.2 Performance Evaluations.

The Board shall meet annually to discuss the performance of the Managing Director. At the conclusion of the meeting, the Chair shall prepare a written performance evaluation for the Managing Director to be administered annually no later than January 31st. The evaluation shall include any changes to the performance standards and goals for the upcoming calendar year.

The Managing Director shall establish personnel rules, performance standards, and evaluation criteria for all other employees of TRANSPAC subject to the review of the Board. The Managing Director shall administer performance evaluations to employees annually and before the anniversary of the date of hire.

ARTICLE IV – RECORDS AND REPORTS

4.1 Maintenance of TRANSPAC Records.

TRANSPAC will keep adequate and correct books and records on account. All such records will be kept at TRANSPAC's principal office.

4.2 Maintenance and Inspection of Agreement and Bylaws.

TRANSPAC will keep at its principal office the original or copy of the Agreement and these Bylaws, as amended to date, which will be open to inspection at all reasonable times during office hours.

4.3 Audit.

No later than January 1st after the close of TRANSPAC's fiscal year, the Board will cause an audit prepared by a certified public accountant to be sent to the governing body of each Member.

4.4 Fiscal Year.

TRANSPAC's fiscal year shall commence on the 1st day of July and shall conclude on the 30th day of June of each year.

ARTICLE V – CONFLICTS OF INTEREST

TRANSPAC shall be subject to the conflict of interest rules set forth in the Political Reform Act (commencing with Section 81000 of the Government Code of the State of California) and Sections 1090 et seq. of the Government Code of the State of California, and TRANSPAC shall adopt a conflict of interest code as required and as provided by the implementing regulations of the Political Reform Act.

CONFLICT OF INTEREST CODE

OF THE

**CENTRAL CONTRA COSTA
TRANSPORTATION/LAND USE
PARTNERSHIP (“TRANSPAC”)**

CONFLICT OF INTEREST CODE OF THE CENTRAL CONTRA COSTA TRANSPORTATION/LAND USE PARTNERSHIP ("TRANSPAC")

(Adopted February 12, 2015)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. § 18730) that contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Regulation 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Central Contra Costa Transportation/Land Use Partnership ("TRANSPAC")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the Managing Director or his or her designee as TRANSPAC's Filing Officer. The Managing Director or his or her designee shall make and retain a copy of all statements filed by the Board members, alternate Board members, and Managing Director and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Contra Costa. The Managing Director or his or her designee shall retain the original statements filed by all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

CENTRAL CONTRA COSTA TRANSPORTATION/LAND
USE PARTNERSHIP ("TRANSPAC")

(Adopted February 12 , 2015)

PART "A"

Other officials who manage public investments, as defined by 2 California Code of Regs. §18701(b), are NOT subject to TRANSPAC's Code but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)]

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below are other officials who manage public investments¹. These positions are listed here for informational purposes only.

Board Members
Alternate Board Members
Ex Officio Members
Alternate Ex Officio Members
Treasurer
Financial Consultant

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

DESIGNATED POSITIONS' **TITLE OR FUNCTION**

DISCLOSURE CATEGORIES **ASSIGNED**

Deputy TDM Program Manager	2, 5
Executive Director	1, 2
General Counsel	1, 2
Outreach Program Executive Secretary	5
Outreach Project Supervisor	2, 5, 6
TDM Coordinator	5
TDM Program Manager	2, 5, 6

MEMBERS OF BOARDS, **COMMITTEES AND COMMISSIONS**

TRANSPAC TAC	1, 2
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Consultants and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg 18701 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The General Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned. ³ Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of TRANSPAC.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that do business or own real property within the jurisdiction of TRANSPAC.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of TRANSPAC.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of TRANSPAC.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by TRANSPAC.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, or income from a nonprofit or other organization, if the source is of the type to receive grants or other monies from or through TRANSPAC or its subdivisions.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

RESOLUTION NO. 2015-1

RESOLUTION OF THE GOVERNING BOARD OF THE CENTRAL CONTRA COSTA TRANSPORTATION/ LAND USE PARTNERSHIP ADOPTING A CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Central Contra Costa Transportation/Land Use Partnership ("TRANSPAC") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in TRANSPAC being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board members of TRANSPAC of, the proposed Conflict of Interest Code was provided to each designated employee and publicly posted for review at the offices of TRANSPAC; and

WHEREAS, a public meeting was held upon the proposed Conflict of Interest Code at a regular meeting of the Board members on February 12, 2015, at which all present were given an opportunity to be heard on the proposed Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED by the members of the Board of TRANSPAC that the Board does hereby adopt the proposed Conflict of Interest Code, a copy of which is attached hereto and shall be on file with TRANSPAC, and available to the public for inspection and copying during regular business hours.

BE IT FURTHER RESOLVED that the said Conflict of Interest Code shall be submitted to the Board of Supervisors of Contra Costa County for approval and said Code shall become effective 30 days after the Board of Supervisors approves the proposed Conflict of Interest Code as submitted.

APPROVED AND ADOPTED this 12th day of February, 2015.

Mark Ross, Chair

ATTEST:

Anita L. Tucci-Smith, Clerk of the Board