

STAFF REPORT

SUBJECT: Adoption of Updated Conflict of Interest Code

FROM: Tamara Edwards Director of Finance

DATE: September 22, 2020

Action Required

Staff requests that the Finance and Administration Committee review the attached Conflict of Interest Code, including revised Appendix of Designated Officials and Employees, which has been updated to reflect LAVTA's current staffing and organization and forward it to the Board of Directors for approval.

Background

California Government Code Section 87306.5 requires every local agency to review its Conflict of Interest Code in each even-numbered year and to amend the Code if necessitated by changed circumstances. Staff and counsel have reviewed LAVTA's current Code and have determined that it should be updated to add the Director of Operations and Innovation position to the list of positions designated for required filing of annual economic interest disclosures and remove the Manager of Customer Service and Contract Oversight position from the list.

Consultants other than those serving in positions identified in the Code may also be required to file economic disclosures. LAVTA's Executive Director (Interim or permanent) will set forth disclosure requirements for consultants on a form provided by the Fair Political Practices Commission (Form 805), retained by the District. In addition, any new designated staff positions will be recorded, and disclosure categories set forth, on FPPC Form 804 until the Code is amended to include such positions.

After the Board adopts the amended Code, it will be sent to the Alameda County Board of Supervisors for approval.

Recommendation

Staff recommends that the Finance and Administration Committee forward to the Board of Directors, the attached Conflict of Interest Code, including updated Appendix of Designated Officials for approval.

Attachments:

1. Resolution 30-2020 of the Board of Directors of the Livermore Amador Valley Transit Authority Approving Revised Conflict of Interest Code

2. Revised Conflict of Interest Code

RESOLUTION NO. 30-2020

A RESOLUTION OF THE LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY APPROVING AN AMENDED CONFLICT OF INTEREST CODE

WHEREAS, the Livermore Amador Valley Transit Authority (LAVTA) is required by the Political Reform Act of 1974 to maintain a Conflict of Interest Code (Code); and

WHEREAS, California Government Code Section 87306.5 requires that the Authority review its Code every even-numbered year and revise if necessary; and

WHEREAS, Legal Counsel and staff have reviewed the current Code and have determined that the Code should be updated to add the Director of Operations and Innovation to the list of designated positions that must disclose their economic interests on an annual basis, and remove the Manager of Customer Service and Contract Oversight; and

WHEREAS, Legal Counsel and staff recommend adopting the attached amended Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Livermore Amador Valley Transit Authority hereby approves and adopts the revised Conflict of Interest Code in the form attached hereto and presented to the Board of Directors; and

BE IT FURTHER RESOLVED that the Executive Director is directed to transmit a copy of the amended Conflict of Interest Code to the Board of Supervisors of the County of Alameda for its review and approval.

PASSED AND ADOPTED by the governing body of the Livermore Amador Valley Transit Authority (LAVTA) this 5th day of October 2020.

BY _____
Bob Woerner, Chair

ATTEST _____
Michael N. Conneran, Legal Counsel

CONFLICT OF INTEREST CODE
LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY

Adopted on the 25th of February, 1986
by Resolution 2-86

Amended on the 1st of November, 2004
by Resolution 22-2004

Amended on the 4th of August, 2008
by Resolution 21-2008

Amended on the 13th of September, 2010
by Resolution 25-2010

Amended on the 10th of September, 2012
by Resolution 25-2012

Amended on the 6th of October, 2014
by Resolution 27-2014

Amended on the 5th of November, 2018
by Resolution 29-2018

Amended on the 5th of October, 2020
By Resolution 30-2020

**CONFLICT-OF-INTEREST CODE
LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY (LAVTA)**

The Political Reform Act, (Government Code Sections 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 California Code of Regulations Section 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, the standard code 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 regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the Livermore Amador Valley Transit Authority (LAVTA).

Individuals holding designated positions shall file their statements of economic interests with LAVTA, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) LAVTA will retain a copy of each statement and forward the originals to the Alameda County Board of Supervisors, which shall be the filing officer.

APPENDIX A: DESIGNATED POSITIONS

Designated Positions	Disclosure Categories
Attorney	1, 2
Director of Planning and Marketing	1, 2
Director of Operations and Innovation	1, 2
Consultants/New Positions*	

*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Executive Director may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director’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 Section 81008.)

The following positions are NOT covered by the conflict-of-interest code because they must file a statement of economic interests pursuant to Government Code Section 87200 and, therefore, are listed for information purposes only:

- Board of Directors
- Executive Director
- Director of Finance

An individual 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 their position has been categorized incorrectly. The Fair Political Practices Commission makes the determination whether a position is covered by Section 87200.

APPENDIX B: DISCLOSURE CATEGORIES

Category 1.

All investments, business positions, and sources of income (including loans, gifts, and travel payments) from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by LAVTA.

Category 2.

All interests in real property located in whole or in part within the LAVTA service area or within two miles of the LAVTA service area.