

FRESNO COUNTY TRANSPORTATION AUTHORITY
ADMINISTRATIVE CODE
SUBJECT: CONFLICT OF INTEREST – BOARD MEMBERS

POLICY STATEMENT

In addition to any Federal or State conflict of interest requirements which may apply, no member of any board, commission or committee shall make, participate in making or in any way attempt to use their position to influence a decision in which he or she knows or has reason to know that he or she or their spouse has a financial interest. In all such cases, the affected member shall disclose their interests in the records of the board, commission or committee and shall refrain from participating in all discussions and votes concerning the matter in which they or their spouse has a financial interest.

The purpose of this policy is not only to avoid actual improprieties, but also the appearance of possible improprieties. Therefore, it is the policy of the Board of Supervisors that any doubts as to whether a member shall refrain from participating in a particular matter should be resolved in favor of non-participation.

While recognizing that state law and regulations may specify categories of memberships on certain board, commission and committees, to the extent possible, no one shall be appointed to a board, commission or committee which recommends funding allocations to community based organizations, who is or whose spouse is a director, or officer of an agency or organization which competes in the funding process before that board, commission or committee.

MANAGEMENT AND OPERATIONS

Public Meetings/Brown Act:

All meetings of the Authority and its appointed standing committees shall be conducted pursuant to Chapter 9 commencing with Section 54950 of Part 1 of Division 2 of Title 5 of the Government Code (referred to here as the Brown Act Open Meeting Requirements).

Meetings - Board/Committee Requirements

Quorum Requirements: A majority of the members of the Authority and its appointed standing committees constitutes a quorum for the transaction of business. All official acts of the Authority and its appointed standing committees require the affirmative vote of the majority of the members of the Authority or committee.

Motions, Resolutions, Ordinance Requirements: The acts of the Authority shall be expressed by motion, resolution, and or ordinance. An Ordinance is specifically required in adoption of the administrative code, and the retail transactions and use tax (1/2%); resolutions are specifically required for the issuance of limited tax bonds. All actions by advisory committees established by the Authority will be by motion.

Rules of Procedures: All meetings of the Authority and its appointed standing committees will, in the absence of any requirements of Division 15 or other law, operate under Roberts Rules of Order as revised.

Conflict of Interest:

CONFLICT-OF-INTEREST CODE FOR
FRESNO COUNTY TRANSPORTATION AUTHORITY

The Political Reform Act (Government Code Section 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 of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may 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 requirements shall constitute the conflict-of-interest code of the **Fresno County Transportation Authority (Authority)**.

The Form 700s for designated positions, other than the members of the Authority Board and the Executive Director, shall be filed with the Authority. Authority's Board Members and Authority's Executive Director are to file their original Form 700s directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with the Authority and, upon receipt of these paper Form 700s with waivers, the Authority shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

The Authority shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions and shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code section 81008.)

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the Agency are hereby superseded.

APPENDIX A

Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments **and will file a statement of economic interests pursuant to Government Code Section 87200.** These positions are listed for informational purposes only:

- All members of the Authority Board
- Executive Director

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 that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

DESIGNATED POSITIONS

Designated Positions

Disclosure Categories

- | | |
|-----------------------------|----|
| • Program Manager | 1 |
| • Contracts Administrator | 1 |
| • Legal Counsel | 1 |
| • Consultants/New Positions | 1* |

*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this 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 comply fully 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 or his/her designee’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.)

APPENDIX B DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license
- utility permit
- station vendor permit