STAFF REPORT

MEETING DATE:	**June 20, 2024**
SUBJECT:	**Approve Amendments to SRTA's Conflict of Interest Code (Section 2.05.050)**
AGENDA ITEM:	***[Proposed for consent agenda]***
STAFF CONTACT:	**Sean Tiedgen, Executive Director**

STAFF RECOMMENDATION:

It is recommended that the board of directors amend SRTA's Conflict of Interest Code (Section 2.05.050) per Attachment A, updating the list of designated positions in Section 22.05.050(C) and adding Section 2.05.050(D) to allow the executive director to make administrative amendments to Section 2.05.050(C) as needed.

DISCUSSION:

The Political Reform Act, Government Code Sections 81000, et seq., requires government agencies to adopt and promulgate conflict of interest codes. One purpose of the Political Reform Act is to ensure that applicable government agency officials or employees involved in the agency's decision-making process disclose any applicable personal financial interests. Accurate disclosure is essential to monitor whether employees or officials may have conflicts of interest and to help ensure public trust in government.

SRTA adopted a Conflict of Interest Code at its November 5, 2013, board of directors' meeting (Attachment B). On even-numbered years, by Biennial Notice of the County Clerk, SRTA is required to certify if an amendment is required; the code is currently under review; or no amendment is required. Amendments must be forwarded to the Clerk of the Board for submission to the Shasta County Board of Supervisors for approval and is not effective until approved by the Board of Supervisors (the code reviewing body).

An amendment is needed to address changes in job classifications. To match agency policy, whereby the executive director is responsible for managing job classifications at or below the Senior Transportation Planner, staff recommends the board of directors allow the executive director, in consultation with legal counsel, to amend, as needed, the designated positions and submit amendments to the Shasta County Clerk for approval.

ALTERNATIVES:

The board of directors may continue to oversee all COI Code amendments.

FISCAL & POLICY COMMITTEE RECOMMENDATION:*///The Fiscal & Policy Committee met on June 10, 2024, to review and discuss proposed revisions to SRTA's Conflict of Interest Code.///*

FISCAL IMPACT:

There is no net fiscal impact to SRTA.

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Sean Tiedgen, AICP, Executive Director

Attachments:

A: Section 2.05.050 – Conflict of Interest (Amended)
B: Resolution No. 2013-123
C: New Resolution (TBD)

2.05.050 - CONFLICT OF INTEREST

Introduction: Conflicts of interest occur when a conflict exists between the public interest and the private monetary interest of the public official or employee.

A. The following policy ensures that any conflicts of interest or the appearance thereof are avoided or appropriately managed through disclosure, recuse or other means. No board member, employee or consultant involved with daily operations of the agency may:

1. Engage or participate in a business or transaction, including outside employment, or have a direct or indirect interest that is incompatible with, or that would tend to impair their independent judgment in the proper discharge of their agency responsibilities;

2. Solicit or accept a gift from anyone who has an interest in any project within the board member's or employee's responsibility;

3. Use information about the agency’s affairs for his/her own or others' financial interests;

4. Ask or permit agency-owned vehicles, equipment, facilities, materials, or property to be used for his/her own personal convenience or profit, except when this property is permitted for the employee's or board member's use when conducting agency business;

5. Use his/her position for personal financial benefit or that of an immediate family member (spouse, child or dependent relative living in his/her household) or associated business (business owned by a board member, employee or member of one’s immediate family or where any one of them works or serves as a board member, director or compensated agent);

6. Accept a fee or honorarium for an article written, appearance or speech made, or participation at an event, in one’s official agency capacity;

7. Engage in any political activity while on duty or during any time one is paid to be on duty for the agency that violates the conditions of any grant contract in effect with the agency;

8. Use agency funds, supplies, vehicles, or facilities for political activity;

9. Solicit or accept anything of value, including a gift, loan, political contribution, reward or promise of future employment based on any understanding that the board member's or employee’s official action or judgment would be or had been influenced by it. A "gift" is generally anything of value given for less than its value.

10. Vote on, or otherwise participate in, any matter on behalf of the agency if he/she has an associated business, or an immediate family member has a financial or personal interest

in the matter greater than that of any other segment of the population, including the sale of real estate, material, supplies, or services to the agency. If the participation is within the scope of the board member's or employee's official responsibility, he/she must give the board a written explanation of the nature and extent of one's interest. This policy prohibits immediate families and associated businesses from entering into private contractual agreements with the agency.

11. Employees and former employees shall not use confidential information for actual or anticipated personal gain or for the gain of any other person.

B. Former board members or employees are prohibited from:

1. Accepting compensation from the agency to appear before the agency or board or the first year after terminating employment or office;

2. Representing anyone, other than the agency, in any matter in which they participated personally and substantially while in agency service;

3. Disclosing or using confidential information gained in their position at the agency for their own financial gain or that of others; or

4. Working for a party under contract, other than the agency, for one year after the contract is signed, if they participated substantially in the contract negotiations or award.

5. Employees who participate in selection, review or approval or who have influence over selection or approval in the purchasing process should not become employees of a firm contracting with the agency. An employee should not act as a principal or as an agent for a firm that does business with the agency for six months after the termination with the agency.

C. A Conflict of Interest Form must be completed as required by government code by all designated positions. Designated positions are defined below as well as the disclosure category. Members have a responsibility to disclose actual or potential conflicts before their appointment.

Designated Position	Disclosure Category
Board Member	1
Executive Director	1
Planner	1
Chief Fiscal Officer	1
Consultants*	1
Administrative Associate/Executive Assistant	1
Administrative Assistant	1
Accounting Clerk	1

Fiscal Analyst	1
Apprentice/Intern	1

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure in the Conflict of Interest Code, subject to the following:

1. Disclosure Category

    a. All investments and business positions in business entities, sources of income, and interests in real property.

    b. Outside counsel for the agency or his designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope, and thus is not required to fully comply with the disclosure requirements of this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement to the extent of disclosure requirements. The determination of outside counsel or his designee is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

D. The executive director, in consultation with legal counsel, may administratively amend Section 2.05.050(C) of SRTA's Conflict of Interest policy, as needed, and prepare necessary documentation to submit for approval by the Shasta County Board of Supervisors or applicable government agency.

RESOLUTION NO. 2013-123

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA APPROVING THE CONFLICT OF INTEREST CODE OF THE SHASTA REGIONAL TRANSPORTATION AGENCY

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the County of Shasta Board of Supervisors is the code-reviewing body for the Shasta Regional Transportation Agency; and

WHEREAS, the Shasta Regional Transportation Agency has adopted a conflict of interest code, which is attached as Exhibit "A" and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED, that the Shasta County Board of Supervisors hereby approves the Conflict of Interest Code for the Shasta Regional Transportation Agency, which is attached as Exhibit "A" and incorporated herein.

DULY PASSED AND ADOPTED this 5th day of November, 2013 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Schappell, Baugh, Kehoe, Moty, and Giacomini
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None

David A. Kehoe

DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: Candace Martin
Deputy

204. Compliance with all Laws, Rules and Regulations

204.1. All board members, employees and consultants involved with daily operations of the agency will comply with all laws, rules and regulations (including the provisions of California Code Section 87300 et seq., and California Code of Regulations, title 2, section 18730, which are incorporated herein by reference, as they exist or may be amended) prescribed by law, code, policy, procedures, contract and grant regulations.

The Statement of Economic Interest forms (Form 700) will be maintained by the Shasta County Clerk of the Board.

204.2. The agency will not enter into any agreement that creates a risk that all laws, rules and regulations cannot be followed.

204.3. The agency will terminate any grant agreements or vendor contracts in which the grantor or vendor requests or instructs the agency to perform an illegal or unethical act.

205. Conflict of Interest

Introduction: Conflicts of interest occur when a conflict exists between the public interest and the private monetary interest of the public official or employee.

205.1. The following policy ensures that any conflicts of interest or the appearance thereof are avoided or appropriately managed through disclosure, recuse or other means. No board member, employee or consultant involved with daily operations of the agency may:

1) Engage or participate in a business or transaction, including outside employment, or have a direct or indirect interest that is incompatible with, or that would tend to impair their independent judgment in the proper discharge of their agency responsibilities;

2) Solicit or accept a gift from anyone who has an interest in any project within the board member's or employee's responsibility;

3) Use information about the agency's affairs for his/her own or others' financial interests.

4) Ask or permit agency-owned vehicles, equipment, facilities, materials, or property to be used for his/her own personal convenience or profit, except when this property is permitted for the employee's or board member's use when conducting agency business;

6) Use his/her position for personal financial benefit or that of an immediate family member (spouse, child or dependent relative living in his/her household) or associated business (business owned by a board member, employee or member of one's immediate family or where any one of them works or serves as a board member, director or compensated agent);

7) Accept a fee or honorarium for an article written, appearance or speech made, or participation at an event, in one's official agency capacity;

8) Engage in any political activity while on duty or during any time one is paid to be on duty for the agency that violates the conditions of any grant contract in effect with the agency;

9) Use agency funds, supplies, vehicles, or facilities for political activity;

10) Solicit or accept anything of value, including a gift, loan, political contribution, reward or promise of future employment based on any understanding that the board member's or employee's official action or judgment would be or had been influenced by it. A "gift" is generally anything of value given for less than its value.

11) Vote on, or otherwise participate in, any matter on behalf of the agency if he/she has an associated business, or an immediate family member has a financial or personal interest in the matter greater than that of any other segment of the population, including the sale of real estate, material, supplies, or services to the agency. If the participation is within the scope of the board member's or employee's official responsibility, he/she must give the board a written explanation of the nature and extent of one's interest. This policy prohibits immediate families and associated businesses from entering into private contractual agreements with the agency.

12) Employees and former employees shall not use confidential information for actual or anticipated personal gain or for the gain of any other person

205.2. Former board members or employees are prohibited from:

1) Accepting compensation from the agency to appear before the agency or board for the first year after terminating employment or office;

2) Representing anyone, other than the agency, in any matter in which they participated personally and substantially while in agency service;

3) Disclosing or using confidential information gained in their position at the agency for their own financial gain or that of others; or

4) Working for a party under contract, other than the agency, for one year after the contract is signed, if they participated substantially in the contract negotiations or award.

5) Employees who participate in selection, review or approval or who have influence over selection or approval in the purchasing process should not become employees of a firm contracting with the agency. An employee should not act as a principal or as an agent for a firm that does business with the agency for six months after the termination with the agency.

205.3. A Conflict of Interest Form must be completed as required by government code by all designated positions. Designated positions are defined below as well as the disclosure category.

Members have a responsibility to disclose actual or potential conflicts before their appointment.

Designated Position	Disclosure Category
Board Member	1
Executive Director	1
Planner	1
Senior Accountant	1
Consultants*	1

Disclosure Category

1. All investments and business positions in business entities, sources of income, and interests in real property.

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure in the Conflict of Interest Code, subject to the following:

Outside counsel for the agency or his designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope, and thus is not required to fully comply with the disclosure requirements of this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement to the extent of disclosure requirements. The determination of outside counsel or his designee is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.