

**THIS PRINT COVERS CALENDAR ITEM NO.: 12
FOR THE MEETING OF: December 16, 2004**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION: Amending the Conflict of Interest Code by adding the position of Deputy Director/Chief Engineer to Disclosure Category 1.

SUMMARY: The Authority's Conflict of Interest Code is subject to biennial review by the Fair Political Practices Commission ("FPPC"). During the period ending December 31, 2004, all agencies were asked to review their Conflict of Interest Codes and adopt appropriate amendments. The attached Resolution approves addition of the position of Deputy Director/Chief Engineer to Disclosure Category 1. Persons in this category are required to disclose income from any source, interests in real property, investments and all business positions in which they are a director, officer, partner, trustee, employee, or in which they hold any position of management.

If the Resolution is adopted, the amendment will be forwarded to the FPPC for posting in the State Register for a 45 day public comment period. At the close of the State's public comment period the FPPC will notify the Authority whether the amendment is approved or approved with changes. In this case, because the change is minimal, staff expects that the amendment will be approved.

ENCLOSURES:

1. Resolution
2. Amended Conflict of Interest Code

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, The Transbay Joint Powers Authority Conflict of Interest Code was adopted by the Board of Directors and became effective on June 14th, 2003 after approval by the Fair Political Practices Commission ("FPPC"); and

WHEREAS, The Conflict of Interest Code requires the filing of annual disclosure statements by Authority personnel involved in decisions which could have a material financial effect on their financial interests; and

WHEREAS, The FPPC has requested all agencies to review their Conflict of Interest Codes and file necessary amendments by December 31, 2004; and

WHEREAS, Since adoption of the Conflict of Interest Code the Authority has created and filled the position of Deputy Director/Chief Engineer; and

WHEREAS, The position of Deputy Director/Chief Engineer involves participation in Authority decisions which could have a material financial effect on the employee's financial interests; and

WHEREAS, The Authority posted a Notice of Intention to Amend a Conflict of Interest Code on October 15, 2004, and opened a forty-five (45) day public comment period; and

WHEREAS, The Authority received no public comments or requests for a public hearing on the proposed amendment; now, therefore be it

RESOLVED, That the Conflict of Interest Code is hereby amended to include the position of Deputy Director/Chief Engineer in Disclosure Category 1; and be it

FURTHER RESOLVED, That the Authority Secretary is authorized to file this Resolution and such other documents as are necessary or required by law with the FPPC to obtain final approval of the amended Conflict of Interest Code.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of _____.

Secretary, Transbay Joint Powers Authority

CONFLICT OF INTEREST CODE FOR THE TRANSBAY JOINT POWERS 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. Sec. 18730) which 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 it 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 Appendix designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the Transbay Joint Powers Authority.

Designated employees shall file their statements with the Transbay Joint Powers Authority who will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the statements, the Transbay Joint Powers Authority shall make and retain a copy and forward the originals to the Fair Political Practices Commission.

PUBLIC OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Persons holding the following positions are NOT subject to this code because they must file statements under Government Code Section 87200, and therefore are listed for informational purposes only:

- Members of the Board of Directors and their Alternates
- Chief Financial Officer

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligation if they believe that their position had been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Section 87200.

APPENDIX

DESIGNATED POSITIONS

DISCLOSURE CATEGORY

Executive Director	1
<u>Deputy Director/Chief Engineer</u>	<u>1</u>
Legal Counsel	1
Consultants*	1

*Consultants shall be included in the list of designated employees and shall disclosure pursuant to the broadest disclosure category in the code subject to the following limitations: The Executive Director may determine in writing that a particular consultant, 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 described in this section. Such determination shall include a description of the consultant'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.

DISCLOSURE CATEGORIES

- 1) Persons in this category shall disclose income from any source, interests in real property, investments and all business positions in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.