



Item # 15-11-4  
Action

## Transportation Committee

November 12, 2015

### Capital Valley Regional Service Authority for Freeways and Expressways (CVR-SAFE) Conflict of Interest Code and Public Hearing

**Issue:** Should CVR-SAFE revise its Conflict of Interest Code?

**Recommendation:** That the Transportation Committee recommend that the CVR-SAFE Board of Directors adopt the revised Conflict of Interest Code.

**Discussion:** The Fair Political Practices Commission requires every government agency to review its conflict-of-interest code biennially to determine if it must be amended. Staff is recommending that CVR-SAFE amend its Conflict of Interest Code for three purposes: 1) incorporate changes in employee classifications; 2) add members of the Transit Coordinating Committee as designated positions; and 3) add a disclosure category that covers governmental and non-governmental entities.

CVR-SAFE posted a public notice and distributed it to affected stakeholders.

#### Attachments

- A – Notice of Intent to Amend
- B – Draft Conflict of Interest Code

Approved by:

Mike McKeever  
Chief Executive Officer

MM:EJ:ds  
Attachments

Key Staff: Matt Carpenter, Director of Transportation Services, (916) 340-6276  
Erik Johnson, Manager of Policy and Administration, (916) 340-6247  
Joe Concannon, Data Services Manager, (916) 340-6234  
Kirk Trost, Chief Operating Officer/General Counsel, (916) 340-6210

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE  
OF CAPITOL VALLEY REGIONAL SERVICE AUTHORITY  
FOR FREEWAYS AND EXPRESSWAYS (SAFE)

**October 12, 2015**

NOTICE IS HEREBY GIVEN that Capitol Valley Regional Service Authority for Freeways and Expressways (SAFE), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict of Interest Code. All inquiries should be directed to the contact person listed below.

SAFE proposes to amend its Conflict of Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the SAFE Conflict of Interest Code include: The proposed amendments revise the list of Designated Positions and make other technical changes to reflect the current job titles and organizational structure of SAFE. The amendments also adjust the Disclosure Categories designated for the listed positions based upon the job duties of those positions. Listed positions affected include employees, Board members, and Transit Coordinating Committee members.

The proposed amended SAFE Conflict of Interest Code is attached. This notice and the proposed amended Code may also be accessed on SAFE's website at: "<http://www.sacog.org>" Questions regarding the proposed amended Code should be directed to the contact person listed below.

A written comment period has been established commencing October 12, 2015 and ending November 30, 2015. Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **November 30, 2015 at 5:00 p.m.** to the contact person listed below. The amended SAFE Conflict of Interest Code, and any written or verbal comments, shall be considered for adoption at SAFE Board of Director's meeting to be held **December 10, 2015 at 9:45 a.m.**, 1415 L Street, Suite 300, Sacramento, California.

SAFE has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amended Conflict of Interest Code and any communication required by this notice should be directed to:

Erik Johnson  
Manager of Policy and Administration  
Sacramento Area Council of Governments  
1415 L Street, Suite 300  
Sacramento, CA 95814  
Telephone: (916) 340-6247  
Email: "ejohnson@sacog.org"

**CAPITOL VALLEY REGIONAL  
SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS (SAFE)  
CONFLICT OF INTEREST CODE**

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 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 **Capitol Valley Regional Service Authority for Freeways and Expressways (SAFE)**.

Individuals holding designated positions shall file their statements of economic interests with **SAFE**, which will make the statements available for public inspection and reproduction. (Gov. Code, § 81008.) All statements will be retained by **SAFE**.

**CAPITOL VALLEY REGIONAL  
SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS (SAFE)  
APPENDIX A  
DESIGNATED POSITIONS**

<u>CLASSIFICATION</u>	<u>DISCLOSURE CATEGORIES</u>
Members of the Board of Directors	1, 2, 4
Alternate Members of the Board of Directors	1, 2, 4
Ex Officio Member of the Board of Directors	1, 2, 4
Chief Executive Officer	1, 2, 4
Chief Operating Officer/General Counsel	1, 2, 4
Analyst II – Land Use Planning	1, 2, 4
Analyst II – Transportation Planning	1, 2, 4
Associate Analyst – Land Use Planning	1, 2, 4
Associate Analyst – Management Services	1
Associate Analyst – Public Information	3, 4
Associate Analyst – Transportation Planning	1, 2, 4
Data Services Manager	1, 4
Director of External Affairs and Member Services	1, 4
Director of Research and Analysis	1, 4
Director of Transportation Services	1, 2, 4
Finance Manager	1
Information Technology (IT) Administrator	3
Manager of ITS and 511 Programs	1
Manager of Policy and Administration	1
Members of the Transit Coordinating Committee	1, 2, 4
Planning Manager	1, 2, 4
Principal Program Expert	1, 2, 4
Senior Analyst – Land Use Planning	1, 2, 4
Senior Analyst – Public Information	1, 4
Senior Analyst – Transportation	1, 4
Consultants	*

**\* Consultants/New Positions**

Consultants/new positions shall be 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 Chief Executive Officer may determine in writing that a particular consultant/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 described in this section. Such determination shall include a description of the consultant's/new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer’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, § 81008).

**CAPITOL VALLEY REGIONAL  
SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS (SAFE)  
APPENDIX B  
DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of investments, business positions, sources of income, or real property, which the designated employee must disclose for each disclosure category to which he or she is assigned.

**Category 1:** All investments, business positions in business entities, and sources of income, including receipt of gifts, loans, and travel payments, from, business entities of the type that contract with, or provide services, goods, machinery, equipment, or services utilized by **SAFE**.

**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 jurisdiction of **SAFE**.

**Category 3:** All investments, business positions in business entities, and sources of income, including receipt of gifts, loans, and travel payments, from, business entities of the type that contract with, or provide services, goods, machinery, equipment, or services purchased or leased by the designated position's division or unit of **SAFE**.

**Category 4:** All investments, business positions in business entities, and sources of income, including receipt of gifts, loans, and travel payments, from entities (including non-profit entities) of the type to receive grants from or through **SAFE**.