

TRI-VALLEY TRANSPORTATION COUNCIL

TRI-VALLEY TRANSPORTATION COUNCIL RESOLUTION NO. 2023-02

A RESOLUTION OF THE TRI-VALLEY TRANSPORTATION COUNCIL APPROVING THE DRAFT TVTC CONFLICT OF INTEREST CODE

WHEREAS, TVTC staff has worked cooperatively with Fair Political Practices Commission (FPPC) staff to prepare a draft Conflict of Interest Code (“Code”), attached hereto and incorporated herein as Exhibit A; and

WHEREAS, TVTC commenced the required 45-day public notice period on 01/05/2023 and the FPPC has commenced its own public noticing period; and

WHEREAS, after the conclusion of TVTC and the FPPC’s noticing period, the draft Code will be submitted to the FPPC Executive Director for final approval; and

WHEREAS, the FPPC requires the submission of a declaration with the draft Code from the agency’s executive declaring that the regulatory requirements for preparation of a conflict of interest code have been met; and

WHEREAS, the Code will become effective 30 days after final approval by the FPPC; and

NOW THEREFORE, the Tri-Valley Transportation Council resolves as follows:

1. TVTC approves the draft Conflict of Interest Code; and
2. TVTC authorizes the Chair to file the Declaration, attached hereto and incorporated herein as Exhibit B, with the FPPC at the conclusion of the 45-day public comment period; and
3. TVTC authorizes the TVTC Administrator to make any minor modifications, changes, or alterations to the Conflict of Interest Code prior to final approval as determined necessary or as directed by the FPPC, subject to review and approval of TVTC’s General Counsel and take any related actions necessary to further the intent of this resolution.

TRI-VALLEY TRANSPORTATION COUNCIL

PASSED, APPROVED AND ADOPTED at the meeting of January 9, 2023, by the following votes:

AYES: Testa, Haubert, Perkins, Josey and Arnerich

NOES:

ABSENT: Kiick and Anderson

ABSTAIN:

DocuSigned by:



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Jean Josey, Chair

Tri-Valley Transportation Council

ATTEST:

DocuSigned by:



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Sai Midididdi, TVTC Administrative Staff

TRI-VALLEY TRANSPORTATION COUNCIL

EXHIBIT A

TRI-VALLEY TRANSPORTATION COUNCIL

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 the 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 **Tri-Valley Transportation Council**.

Individuals holding designated positions must file their statements of economic interests electronically with the **Fair Political Practices Commission**. All statements must be made available for public inspection and reproduction under Government Code Section 81008.

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APPENDIX A-DESIGNATED POSITIONS

Position	Disclosure Categories
TVTC Board Member and Alternates	1 & 2
Legal Counsel	1 & 2
Consultants/New Positions	**

Note: The position of Legal Counsel is filled by outside consultants, but acts in a staff capacity.

** 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 Administrator 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 described in this section. Such 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 Administrator’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).

The following positions are NOT covered by the conflict-of-interest code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

TVTC Administrator

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.

TRI-VALLEY TRANSPORTATION COUNCIL

APPENDIX B-DISCLOSURE CATEGORIES

Category 1: All investments, business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments).

Category 2: All interests in real property located within the jurisdiction.

TRI-VALLEY TRANSPORTATION COUNCIL

EXHIBIT B

DECLARATION OF CHIEF EXECUTIVE OFFICER

Multi-County Agency Conflict of Interest Code for

TRI-VALLEY TRANSPORTATION COUNCIL

The proposed conflict of interest code specifically includes each agency position that involves the making or participation in the making of decisions which may foreseeably have a material financial effect on an economic interest. Positions that do not make or participate in decisions are not included.

The disclosure categories are written to address the agency's current programs and require disclosure of only foreseeable interests that may create a conflict of interest.

The agency has satisfied all of the requirements of Title 2, Division 6 of the California Code of Regulations Section 18750 preliminary to approval of the proposed code, including providing a comment period for both employees and the public.

DocuSigned by:



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Signature

2/25/2023

Date

Jean Josey

Printed Name

TVTC Chair

Title