

Eco-Rapid Transit, formerly known as the Orangeline Development Authority, is a joint powers authority (JPA) created to pursue development of a transit system that moves as rapidly as possible, uses grade separation as appropriate, and is environmentally friendly and energy efficient. The system is designed to enhance and increase transportation options for riders of this region utilizing safe, advanced transit technology to expand economic growth that maximizes ridership in Southern California. The Authority is composed of the following public agencies:

City of Artesia

City of Bell

City of Bell Gardens

City of Bellflower

City of Cudahy

City of Downey

City of Glendale

City of Huntington Park

City of Maywood

City of Paramount

City of South Gate

City of Vernon

Burbank-Glendale-Pasadena
Airport Authority

Chair

Zareh Sinanyan
President
Hollywood Burbank Airport
Mayor
City of Glendale

Vice-Chair

Pedro Aceituno
Council Member
City of Bell Gardens

Secretary

Karina Macias
Council Member
City of Huntington Park

Treasurer

Ali Sajjad Taj
Council Member
City of Artesia

Internal Auditor

Cristian Markovich
Council Member
City of Cudahy

Executive Director
Michael R. Kodama

General Counsel
Teresa L. Highsmith

Ex-Officio
William Rawlings
City Manager Representative

A G E N D A R E P O R T

TO: Members of Eco-Rapid Transit
FROM: Michael Kodama, Executive Director
DATE: September 19, 2018
SUBJECT: **BIENNIAL REVIEW OF CONFLICT OF INTEREST CODE (G.C. 87306.5). LAST REVIEWED IN 2016**

Public comments on items on the agenda will be taken at the time the item is called and are limited to 3 minutes per speaker

ISSUE

As required by State law, the Board must review its Conflict of Interest Code every even numbered year. The purpose is to determine if the Code as adopted reflects the current structure of the organization and property identifies officials and employees who should be filing Statements of Economic Interests (Form 700s). When determining whether to amend, the Board should carefully review its current conflict of interest code and consider the following:

- Is the current code more than five-years old?
- Have there been any substantial changes to the organizational structure since the current code was adopted?
- Have any positions been eliminated or renamed since the current code was adopted?
- Have any new positions been added since the current code was adopted?
- Have there been any substantial changes in duties or responsibilities for any positions since the current code was adopted? and
- If any of the above questions are "yes", most likely the conflict of interest code will need to be amended.

BACKGROUND

The Political Reform Act requires each local agency to adopt a Conflict of Interest Code for Agency Board Members, staff, and consultants who make or participate in the making of government decisions. The Political Reform Act also requires each agency to review its Conflict of Interest Code biennially.

The Orangeline Development Authority doing business as Eco-Rapid Transit has not experienced any changes to the structure of the Authority, the positions covered under the effective Code, nor in the titles used and their associated duties and responsibilities.



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A copy of the Conflict of Interest Code that was last reviewed in 2016, amended and adopted by the Board in August 2014 and approved by the Fair Political Practices Commission (the code-reviewing body) is attached for reference.

RECOMMENDATION

It is recommended that the Board:

1. Discuss and review the information presented and offer action items; and/or
2. Receive and file the item.

RESOLUTION NO. 2018 - 02

**A RESOLUTION OF THE ORANGELINE DEVELOPMENT
AUTHORITY, DBA ECO-RAPID TRANSIT, AMENDING THE
CONFLICT OF INTEREST CODE FOR THE AUTHORITY AND
DIRECTING STAFF TO SUBMIT IT TO THE FAIR POLITICAL
PRACTICES COMMISSION AS THE CODE REVIEWING BODY
PURSUANT TO THE CALIFORNIA POLITICAL REFORM ACT**

WHEREAS, California Government Code §87300 requires that every public agency adopt and promulgate a Conflict of Interest Code;

WHEREAS, amendments to the Political Reform Act, Government Code Sections 81000, et. seq., have in the past and foreseeably will in the future require conforming amendments to be made in Conflict of Interest Codes adopted and promulgated pursuant to its provisions; and

WHEREAS, the Fair Political Practices Commission ("FPPC") has adopted a regulation, 2 California Code of Regulations section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act after public notice and hearings conducted by the FPPC pursuant to the Administrative Procedure Act, Government Code Section 11370, et. seq.; and

WHEREAS, incorporation by reference of the terms of the aforementioned regulation and amendments to it in Conflict of Interest Codes saves the Orangeline Development Authority time and money by minimizing the actions required to keep the Code in conformity with the Political Reform Act; and

WHEREAS, the Political Reform Act requires that Conflict of Interest Codes approved by a local government agency be approved by a "code reviewing body", which for the Orangeline Development Authority is the Fair Political Practices Commission;

NOW THEREFORE, BE IT RESOLVED by the Orangeline Development Authority as follows:

1. All previously adopted resolutions approving various Conflict of Interest Codes are hereby rescinded and superseded.
2. The Conflict of Interest Code attached to this Resolution as Appendix A, together with the Exhibits A and B thereto, and incorporated herein by reference is hereby adopted as the Conflict of Interest Code of the Orangeline Development Authority.
3. Persons holding designated positions listed in Exhibit A to the Conflict of Interest Code shall file Form 700- Statements of Economic Interest according to the requirements in the Code and the disclosure categories contained in Exhibit B to the Code.
4. The Executive Director of the Orangeline Development Authority is directed to submit this Conflict of Interest Code to the Fair Political Practices Commission, the code reviewing body pursuant to Government Code § 82011(a).

5. The Secretary shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 19th day of September, 2018.

Zareh Sinanyan
Chairman

ATTEST:

Karina Macias
Secretary

APPROVED AS TO FORM:

Teresa L. Highsmith
General Counsel

APPENDIX A

CONFLICT OF INTEREST CODE FOR THE ORANGELINE DEVELOPMENT AUTHORITY

Incorporation of FPPC Regulation 18730 (2 California Code of Regulations, Section 18730) by Reference

The Political Reform Act, Government Code Section 81000, *et seq.* requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Exhibits in which members and employees are designated and disclosure categories are set forth, shall constitute the conflict of interest code of the Orangeline Development Authority.

Place of Filing of Statements of Economic Interests

All officials and employees required to submit a statement of economic interests shall file their statements with the Executive Director, or his or her designee. The agency shall make and retain a copy of all statements filed by its Governing Board Members, Alternate Board Members, as appropriate, and its Executive Director, and forward the originals of such statements to the Fair Political Practices Commission.

The agency shall retain the originals of statements for all other Designated Positions named in the agency's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

EXHIBIT A
Designated Positions

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Board Members	1 and 2
Alternate Board Members	1 and 2
General Counsel	1 and 2
Assistant General Counsel	1 and 2
Executive Director	1 and 2
Deputy Executive Director	1 and 2
Chair	1 and 2
Vice-Chair	1 and 2
Secretary	1 and 2
Treasurer	1 and 2
Internal Auditor	1 and 2
Consultants	**

**Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

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.

EXHIBIT B
Disclosure Categories

Category 1

Persons in this category shall disclose all investments and business entities in, and income, including gifts, loans and travel payments from:

1. Entities that manufacture, provide or sell services, supplies, materials, machinery, vehicles or equipment of the type utilized by the Authority;
2. Entities that provide services, material, products, machinery, vehicles and/or equipment utilized in the planning, financing, development, acquisition, construction, operation and/or maintenance of transportation facilities; and
3. Entities that provide services utilized in the issuance of bonds in the State of California for funding, development, construction and/or operations of transportation facilities.

Category 2

Persons in this category shall disclose all interests in real property located in the jurisdiction of the Orangeline Development Authority.