

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE
OF THE ORANGELINE DEVELOPMENT AUTHORITY, DBA ECO-RAPID TRANSIT

NOTICE IS HEREBY GIVEN that the ORANGELINE DEVELOPMENT AUTHORITY (“Agency”), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict of interest code. A comment period has been established commencing on March 16, 2020 and closing on April 30, 2020. All inquiries should be directed to the contact listed below.

The Agency 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 conflict of interest code include: Listing the Governing Board Members, Alternate Board Members as public officials who, in addition to the Executive Director, manage the public investments of the Agency and who will now be required to file their statement of economic interests electronically with the Fair Political Practices Commission (“FCCP”), and other technical changes.

The proposed code amendment is attached as Appendix A.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than Friday, April 30, 2020, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than April 15, 2020.

The Agency 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 amendment and any communication required by this notice should be directed to: Michael R. Kodama at mkodama@eco-rapid.org

APPENDIX A

CONFLICT OF INTEREST CODE FOR THE ORANGELINE DEVELOPMENT AUTHORITY, DBA ECO-RAPID TRANSIT

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 ("**Agency**").

All officials and employees required to submit a statement of economic interests shall file their statements with the Agency's Executive Director, or his or her designee. Governing Board Members, Alternate Board Members, as appropriate, and its Executive Director, shall file their statements of economic interests electronically with 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>
General Counsel	1 and 2
Assistant General Counsel	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/New Positions	**

**Consultants/New Positions 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 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/new position'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.

It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200.

- Board Members
- Alternate Board Members
- Executive Director

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.

EXHIBIT B
Disclosure Categories

Category 1

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

1. Entities that manufacture, provide services, supplies, materials, machinery, vehicles or equipment of the type utilized by the Authority;
2. Entities that provide services, materials, 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.