



**DATE:** July 23, 2020

**TO:** Transportation Authority of Marin Board of Commissioners

**FROM:** Anne Richman, Executive Director *Anne Richman*  
David Chan, Programming and Legislation Manager

**SUBJECT:** Amend the Administrative Code and the Accompanying Resolution for the Conflict of Interest Section on Designated Positions Requiring Compliance with State Disclosure Requirements (Action), Agenda Item No. 6b

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## **RECOMMENDATION**

Recommend that the TAM Board amends the accompanying resolution for the Conflict of Interest Section under Section 107.2 of Article VII of TAM's Administrative Code to correct the titles of two existing positions as designated positions requiring compliance with State disclosure requirements.

## **BACKGROUND**

The California Political Reform Act requires every local government agency, including TAM, to review its conflict of interest code biennially. A conflict of interest code tells public officers and governmental employees what financial interests they must disclose on the Statement of Economic Interests (Form 700). By October 1, 2020, TAM is required to submit either a notice of no change or a notice to amend our Conflict of Interest Code to the County Board of Supervisors. By December 30, 2020, the amendment is due to the County Board of Supervisors.

## **DISCUSSION**

Under the Conflict of Interest Section under Article VII of the Administrative Code are the policies governing disclosure requirements. TAM is subject to the California Political Reform Act that requires all public agencies to adopt, periodically review, and update a Conflict of Interest Code. The Act also requires all public agencies to adopt a Resolution specifying designated positions that require compliance with State disclosure requirements.

Every elected official and public employee who makes or influences governmental decisions is required to submit a Statement of Economic Interest, also known as the Form 700. Designated positions in the TAM Administrative Code are required to annually file a Form 700.

The current list of designated positions for TAM include the following: Board of Commissioners, Executive Director, Deputy Executive Director, Financial Manager, Programming Manager, Project Delivery Manager, Principal Project Delivery Manager, Public Information Coordinator, and Planning Manager.

The titles for the Financial Manager, Programming Manager, Project Delivery Manager, and Public Information Coordinator have been changed to Chief Financial Officer, Manager of Programming and Legislation, Principal Project Delivery Manager, and Public Outreach Coordinator, respectively, in prior years that have not been reflected in the accompanying resolution. Staff is proposing to update these four titles in the accompanying resolution as a part of the 2020 Biennial Review. The disclosure requirements for the four positions remain unchanged.

Attachment A is the accompanying resolution (Resolution 2020-08) that updates the designated positions requiring financial disclosure pursuant to the Political Reform Act of 1974. As instructed by the California Fair Political Practices Commission (FPPC), per Government Code Section 82011, certification by the Board of Supervisors is required once the TAM Board approves the resolution.

### **FISCAL IMPACTS**

There are no fiscal impacts with approving this administrative action.

### **NEXT STEPS**

Upon approval by the TAM Board, staff will forward the amendment of the Conflict of Interest Code and the Resolution 2020-08 to the Board of Supervisors for certification by December 30, 2020.

### **ATTACHMENT**

Attachment A: Resolution 2020-08

**RESOLUTION NO. 2020-08**

**A RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN  
AMENDING THE CONFLICT OF INTEREST CODE TO REVISE TITLES ON  
EXTISING POSITIONS**

WHEREAS, The Political Reform Act, Government Code sections 81000 et seq., requires state and local government agencies to adopt Conflict of Interest Codes, and to review those codes every two years; and

WHEREAS, In 2004, the Transportation Authority of Marin adopted an Administrative Code containing the conflict of interest code pursuant to state law, and has determined that to remain in compliance with state law that code should be amended to add and designate positions; and

WHEREAS, Resolution No. 2005-12b was adopted on November 17, 2005 to specify a disclosure category for each position; and

WHEREAS, Resolution 2006-11, Resolution 2008-20, Resolution 2011-09, Resolution 2018-12, and Resolution 2019-03 were adopted on July 27, 2006, July 24, 2008, October 27, 2011, July 26, 2018, and March 28, 2019, respectively, to amend the list of designated positions and the disclosure categories assigned to each position; and

WHEREAS, The California Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially; and

WHEREAS, 2020 is the next scheduled review; and

WHEREAS, Title changes and corrections on existing positions are deemed necessary amendments to the Conflict of Interest Code; and

WHEREAS, The Administrative Code allows changes to designated positions and designated disclosure categories by resolution; now, therefore, be it

RESOLVED, That the existing positions of Finance Manager, Programming Manager, Project Delivery Manager, and Public Information Coordinator shall be amended to Chief Financial Officer, Manager of Programming and Legislation, Principal Project Delivery Manager, and Public Outreach Coordinator, respectively, as shown below, in Section 107.2 to report in both disclosure categories.

# Item 6b - Attachment A

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Member and Alternate of the Board of Commissioners	1, 2
Executive Director	1, 2
Deputy Executive Director	1, 2
<del>Financial Manager</del> <b>Chief Financial Officer</b>	1, 2
<del>Programming Manager</del> <b>Manager of Programming and Legislation</b>	1, 2
<del>Project Delivery Manager</del> <b>Principal Project Delivery Manager</b>	1, 2
Associate Project Delivery Manager	1, 2
<del>Public Information Coordinator</del> <b>Public Outreach Coordinator</b>	1, 2
Planning Manager	1, 2

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin held on the 23<sup>rd</sup> day of July 2020, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

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Judy Arnold, Chair  
Transportation Authority of Marin

ATTEST:

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Anne Richman  
Executive Director