

375 Beale Condominium Corporation

September 27, 2022

Agenda Item 3c - 22-1354

Authorization to Amend 375 Beale Condominium Corporation Conflict of Interest Code

Subject:

A request for Board authorization to amend 375 Beale Condominium Corporation's Conflict of Interest Code (COIC), submit proposed changes for public comment, and to schedule a public hearing upon request.

Background:

A local agency's COIC must reflect the current structure of the agency and properly identify officials and employees responsible for filing Form 700, Statement of Economic Interests. A COIC also details what must be disclosed on the California Fair Political Practices Commission (FPPC), Form 700 (Statement of Economic Interests). To ensure a COIC remains current and accurate, each local agency is required to review its Code at least every even-numbered year. In connection with the 2022 biennial review of the 375 Beale Condominium Corporation's COIC, staff determined that the designated positions that need to report should be updated to include an additional position in the Office of General Counsel that performs work for 375 Beale Condominium Corporation, to update the title of the Director of Facilities & Contract Services, and to correct a reference.

The position of Senior Counsel in the Office of General Counsel has been determined to make or participate in the making of 375 Beale Condominium Corporation decisions that may foreseeably have a material financial effect on an economic interest, thereby requiring the filing of Form 700. This position has been added to Appendix A of 375 Beale Condominium Corporation's COIC.

All of the 375 Beale Condominium Corporation's COIC proposed changes have been reviewed and given initial approval by the FPPC.

Written notice of intent to amend a COIC must be given 45 days prior to the time the proposed amendment is submitted to the FPPC for formal approval. A comment period for interested

parties to submit comments to the COIC amendment will run from November 1, 2022 to December 15, 2022. (A copy of the Notice is attached to this Summary Sheet.)

Any interested person may request a public hearing to comment on the proposed COIC amendment, no later than 15 days prior to the close of the comment period, or by November 30, 2022. If no request for a hearing is received, staff would submit the proposed amended COIC to the FPPC for formal approval; the COIC as amended would be effective 30 days following FPPC approval.

Recommended Actions:

The 375 Beale Condominium Corporation Board of Directors is requested to authorize staff to submit the proposed changes for public comment and to schedule a public hearing upon request.

Assuming no comments are received, authorize staff to submit the proposed amended COIC to the FPPC for formal approval; the COIC as amended would be effective 30 days after FPPC approval.

Issues:

None.

Attachments:

- Notice of Intention to Amend the Conflict of Interest Code of 375 Beale Condominium Corporation Proposed Amended Conflict of Interest Code
- Amendment #1 to Conflict of Interest Code for the 375 Beale Condominium Corporation

Denise Rodrigues

Denise Rodrigues

Agenda Item 3c - 22-1354
Notice of Intention to Amend the COIC of 375 Beale Condominium Corporation
September 27, 2022

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE
OF 375 BEALE CONDOMINIUM CORPORATION

NOTICE IS HEREBY GIVEN that 375 Beale Condominium Corporation, 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 November 1, 2022, and closing on December 15, 2022. All inquiries should be directed to the contact listed below.

375 Beale Condominium Corporation proposes to amend its conflict of interest code to include Metropolitan Transportation Commission (MTC) 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: changes reflecting the assignment of additional staff from the Office of General Counsel, a change in the title of the Director of Facilities & Contract Services, and a title correction.

The proposed amendment and explanation of the reasons for the changes can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **5:00 p.m. on Thursday, December 15, 2022**, 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 **5:00 p.m. on Wednesday, November 30, 2022**.

375 Beale Condominium Corporation 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.

Copies of the proposed amendment and explanation of the reasons for it will be made available to any interested person who contacts Denise Rodrigues, MTC Director of Facilities & Contract Services, at (415) 778-5297 or drodrigues@bayareametro.gov. Written comments on the amendment, may be sent to Ms. Rodrigues at drodrigues@bayareametro.gov. Any inquiries concerning the proposed amendment should be directed to Andrea Visveshwara, MTC Senior Counsel, at (415) 778-6637, or avisveshwara@bayareametro.gov.

AMENDMENT #1 TO CONFLICT OF INTEREST CODE
FOR THE 375 BEALE CONDOMINIUM CORPORATION

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 Cal. Code of Regs. § 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. § 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the **375 Beale Condominium Corporation**.

Designated employees shall file statements of economic interests with the **375 Beale Condominium Corporation**. The Metropolitan Transpiration Commission will retain all statements of economic interests on behalf of **375 Beale Condominium Corporation**, which will make the statements available for public inspection and reproduction (Gov. Code Sec.81008).

CONFLICT OF INTEREST CODE FOR THE
375 BEALE CONDOMINIUM CORPORATION
APPENDIX A

<u>Designated Positions</u>	<u>Disclosure Categories</u>
(1) Secretary	1
(2) Chief Operating Officer	1
(3) Deputy Executive Director, Operations	1
(4) Deputy Executive Director, Local Government Services	1
(5) Director, <i>Facilities & Contract Services</i> & Equal Employment Opportunity Officer, Administration & Facilities	1
(6) General Counsel	1
(7) <i>Senior Counsel</i>	<u>1</u>
Senior Program Coordinator	
Special Projects Manager	1
(8) 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 Chair/~~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 a 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 Chair/~~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.
(Government Code Section 81008.)

Note: All positions are filled by employees of Metropolitan Transportation Commission and the Bay Area Air Quality Management District that act in a staff capacity for 375 Beale Corporation.

The following positions are not covered by the code because the positions manage public investments. Individuals holding such positions must file under Government Code Section 87200 and are listed for informational purposes only. Section 87200 requires disclosure of all investments and business positions in business entities, all income, including gifts, loans and travel payments, and real property.

~~Chair/Executive Director~~
Chief Financial Officer
Board of Directors

APPENDIX B

Disclosure Categories

1. Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, from sources of the type that provide services, supplies, materials, machinery, or equipment of the type utilized by the **375 Beale Condominium Corporation**.

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This is the last page of the conflict of interest code for the **375 Beale Condominium Corporation**.

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