

Revisions in ~~strikeout~~ and underline

~~SECOND~~THIRD AMENDED

CONFLICT OF INTEREST CODE

ABAG FINANCE AUTHORITY FOR NONPROFIT CORPORATIONS

The Political Reform Act, Government Code Sections 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 ~~S~~5 18730, et seq., which 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 it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations, Sections 18730, et seq., and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendices in which officials and ~~employees~~positions are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the ~~Second~~Third Amended Conflict of Interest Code of ABAG Finance Authority for Nonprofit Corporations (Authority).

~~Designated employees~~Persons who hold designated positions shall file their statements with the Association of Bay Area Governments (ABAG) who will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all persons who hold designated ~~employees~~positions will be retained by ~~the Association of Bay Area Governments~~ABAG.

APPENDIX A
DISCLOSURE CATEGORIES

Disclosure Category 1

Persons designated in this category must disclose all investments and business positions in business entities and sources of income if such entities or sources of income filed claims against any member jurisdiction of the Authority or the Authority itself during the reporting period.

Disclosure Category 2

~~Persons designated in this category must disclose all investments and business positions in business entities and sources of income if the business entities are of the type in which the Authority is empowered to invest its funds.~~

Disclosure Category 32

Persons designated in this category must disclose all investments and business positions in business entities and sources of income if the business entities or sources of income are of the type that contract with the Authority, or its administrative agency, to supply goods, services, materials, supplies or leased space.

Disclosure Category 43

Persons designated in this category must disclose all investments and business positions in business entities and sources of income that are insurance companies, ~~carriers~~carriers, holding companies, underwriters, agents, solicitors or brokers.

ABAG FINANCE AUTHORITY FOR NONPROFIT CORPORATIONS

APPENDIX AB

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Category</u>
Members and Alternate Members of Board of Directors	1, 2, 3, 4
President*	1, 2, 3, 4
Manager, Financial Services	1, 2, 3, 4
Legal Counsel	1, 2, 3, 4
<i><u>MTC Staff serving ABAG and the Authority pursuant to the Contract for Services, including:</u></i>	<i><u>1, 2, 3 (except where otherwise indicated)</u></i>
<ul style="list-style-type: none">• <i><u>Deputy Executive Director, Local Government Services</u></i>• <i><u>General Counsel</u></i>• <i><u>Senior Deputy General Counsel</u></i>• <i><u>Senior Counsel</u></i>• <i><u>Director, Finance & Accounting</u></i> <i><u>(Categories 2, 3)</u></i>• <i><u>Director, Treasury & Revenue</u></i> <i><u>(Categories 2, 3)</u></i>	
Consultants/<u>New Positions</u>*	<u>1, 2, 3</u>

~~* This position is held by the Executive Director, Association of Bay Area Governments.~~

* With respect to ~~C~~consultants/new positions, the ~~President, who is the Chief Administrative Officer,~~Executive Director of the Metropolitan Transportation Commission (MTC) may determine in writing that a particular consultant or new position, although a “designated person,” is hired to perform a range of duties that are limited in scope and thus is not required to comply 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 the disclosure requirements and shall be retained ~~in the Comp Pool's files~~for public inspection in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below manages public investments and will file a Statement of Economic Interests pursuant to Government Code Section 87200:

Members and Alternate Members of Executive Committee of Authority Board of Directors

Executive Director of MTC, acting pursuant to the Contract for Services

Chief Financial Officer of MTC, acting pursuant to the Contract for Services

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 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.

CONFLICT OF INTEREST DISCLOSURE DESIGNATIONS

The Authority has identified three (3) disclosure categories: (1) requires disclosure of business entities and business positions in which designated parties have investments or sources of income to them if such entities or sources of income have filed claims against any member jurisdiction of the Authority or the Authority itself; (2) requires designated persons to disclose business entities and business positions in which they have investments or sources of income to them if such entities are of the type which contract with the Authority or ABAG to supply goods, services, materials, supplies, or leased space; and (3) requires designated persons to disclose business entities and business positions in which designated parties have investments or sources of income to them if such entities or sources of income are insurance companies, carriers, holding companies, underwriters, agents, solicitors or brokers.

The designated position list is intended to include all persons with decision-making powers or influence concerning how, where and with whom the Authority invests funds and contracts for goods and services to disclose any bias such parties may have in making substantive decisions concerning the operations of the Authority.

Effective July 1, 2017, the Metropolitan Transportation Commission (MTC), pursuant to the Contract for Services dated as of May 30, 2017 (Contract for Services) between MTC and ABAG, provides consolidated staff to perform work for ABAG and its affiliated Local Collaboration Programs, including the Authority.

The primary decision-making positions of the Authority are the members and alternate members of the Executive Committee of the Authority Board of Directors (Board). The members and alternate members of the Executive Committee of the Board are not included in the Code because "city, county and local agency public officials who manage public investments" are not "designated employees" and file Statements of Economic Interest pursuant to Government Code § 87200. However, under the Contract for Services, certain MTC staff may make recommendations to or bring information or proposals to the members of the Board and thus may influence the Board's decisions concerning the Authority. MTC staff serving ABAG and the Authority under the Contract for Services are not employees of ABAG but are included in the list of designated positions under this Code as consultants pursuant to Government Code Section

82019, which includes consultants within the definition of “designated employee”. Additionally, with the exception of consultants whose duties are limited in scope and who thus may have limited disclosure responsibilities, consultants shall be required by the Authority’s Code to file Statements of Economic Interest and any supplementary information that may from time to time be required annually and upon assuming and leaving office/job position as set forth in 2 California Code of Regulations, § 18730(b)(5).

APPENDIX B

~~OFFICIALS WHO MANAGE PUBLIC INVESTMENTS~~

~~It has been determined that the position listed below manages public investment and will file a Statement of Economic Interests pursuant to Government Code Section 87200:~~

~~Chief Financial Officer*~~

~~*This position is held by the Finance Director, Association of Bay Area Governments.~~