

BOARD POLICY

Category: Administration

CODE OF ETHICS AND DECORUM

PURPOSE

The Board of Directors of the Alameda-Contra Costa Transit District determined that a Code of Ethics and Decorum (the Code), establishing rules of conduct for Board Members, Board Officers, members of the Accessibility Advisory Committee, the Riders Advisory Committee, members of any other committees the Board may create and members of the public will foster public confidence in the integrity of the District. This Code will establish standards which, if complied with, will accomplish this goal by:

1. Insuring that public officials are acting independently and impartially in exercising their judgment and taking action on issues which come before the District;
2. Maintaining the confidentiality of issues considered in closed sessions except when the disclosure of those decisions is required by law;
3. Insuring that the rights of all participants in a meeting are free from personal animosity and hostility.

This Code is in addition to and does not supersede any other rules, regulations or policies of the District governing any of the issues contained within this Code.

DUTY AND CARE

As agents of the public and conservators of the public trust, the Board of Directors, Board Officers and committee and commission members are bound to observe the highest standards of integrity and to discharge faithfully the duties of their offices.

CONFLICTS OF INTEREST

Public officials and employees, whether appointed or elected, full time or part time, paid or unpaid, should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such official or employee can be improperly influenced in the performance of his/her public duties. Such officials or employees should conduct themselves appropriately to maintain public confidence in their performance of the public trust.

Conduct which should be avoided includes:

1. Accepting gifts, favors or promises of future benefits which might compromise or tend to impair independent judgment or action.
2. Activities which create contractual (GC §1090), noncontractual (GC §81000) or common law conflicts of interest or activities which may impair the ability to exercise independent judgment in the discharge of his/her official duties. If a

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situation arises where a conflict or the appearance of a conflict may occur, consider:

- a. Discussing the matter with and obtaining the opinion of the General Counsel;
 - b. Where feasible, obtain an opinion or advice letter from the Fair Political Practices Commission;
 - c. Where feasible, obtain an opinion from outside legal counsel at the requestor's own expense, unless the payment of the expense is approved by the Board of Directors.
3. Disclose any conflicts or impediments to participating in a decision on the record before the item is considered and, whenever possible, leave the meeting during the consideration of the item.
 4. Disclose the receipt of gifts of \$50.00 or more from any person, firm or entity appearing before any person or bodies covered by this Code of Ethics on a matter in which the person, firms or entity will receive something of value (e.g., contract, employment or decision) from any person or body covered by this Code of Ethics.

DISCLOSURE OF INTERESTS IN LEGISLATION

Any financial or other private interest in any legislation shall be disclosed on the record, including the nature and extent of such interest.

ACCEPTANCE OF GIFTS/GRATUITIES/FAVORS

No gifts, gratuities or favors covered by the provisions of the Political Reform Act of 1974 (Govt. Code §§ 81000, et seq., or its implementing regulations) shall be accepted which might reasonably be interpreted as an attempt to influence actions with respect to District business. (See Govt. Code § 87103; Title 2, Division 6 of Calif. Code of Regulations §§18940-18961, and Board Policy No. 135)

CONFIDENTIAL INFORMATION

Information received in a closed session meeting, or confidential information received, acquired by or made available to anyone covered by this Code of Ethics or any employee or agent of the District, shall not be disclosed, except as required or authorized by law. No one shall use any confidential information for speculation or personal gain for himself/herself or another. Information received in closed session shall be returned to the General Counsel. The General Counsel shall maintain a file on information provided in closed session which may be reviewed by Board Members during normal business hours.

USE OF DISTRICT RESOURCES & FACILITIES FOR PRIVATE GAIN

District personnel, facilities, equipment, materials or supplies shall not be used for private gain or advantage. No one covered by this Code of Ethics shall use or attempt to use his/her position to secure unwarranted privileges or exemptions for themselves or others. (See Board Policies Nos. 168 [Use of District Resources] and 178 [Telephone Usage])

USE OF OFFICIAL POSITION

Board Members, committee members and Board Officers should not use their official position to negotiate on behalf of the District outside of any process established for that purpose or become

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involved in personnel matters except for any discussion by the Board regarding one or more of the Board Officers.

REPORTING BREACH OF PUBLIC TRUST

Any knowledge of improper governmental activities shall be disclosed to the appropriate authority(ies) within the District for investigation and appropriate action. No one shall directly or indirectly use or attempt to use the authority or influence of his/her office or position for the purpose of intimidating, threatening, coercing, commanding, or influencing any person with the intent of interfering with that person's duty to disclose such improper activity.

FAIR AND EQUAL TREATMENT

The individuals covered by this Code shall:

1. Provide fair and equal treatment for all persons and matters coming before the Board of Directors, the AAC, the RAC or any other committee or commission created by the Board of Directors.
2. Attend all meetings unless unable to do so because of a compelling reason.
3. Not receive special consideration, treatment or advantage beyond that which is available to every other individual.
4. Faithfully perform all duties of his/her/their office.
5. Refrain from abusive or disruptive conduct, personal charges or verbal attacks upon the character, motives, ethics, or morals of others, or other personal comments not germane to the issue(s) under consideration.
6. Listen courteously and attentively to all discussions at meetings and avoid interrupting other speakers, including other Board Members, staff or committee members, except as may be permitted by established Rules of Order.

CONDUCT TOWARD STAFF

1. Board Members and committee members shall not publicly or privately engage in personal attacks on Board Officers or employees or attempt to discipline any Board Officer or employee, except to the extent the Board is permitted to discipline Board Officers. Any concerns regarding a District employee's performance or conduct, other than a Board Officer, shall be communicated to the General Manager. Any concerns regarding a Board Officer's performance or conduct shall be communicated to the affected Board Officer. Nothing in this section shall affect the right of the Board to evaluate the Board Officers.
2. Board Members and committee members shall not individually direct the work of Board Officers or staff, unless authorized by the appropriate body, or attempt to influence the content of reports from Board Officers or staff.
3. Board Members and committee members shall not have access to or use any departmental files without the consent of the department manager and shall not have access to the personnel files of employees, except the Board shall have access to the personnel files of the Board Officers.

CONDUCT TO AND FROM THE PUBLIC

1. Members of the public attending a meeting of the Board of Directors or any

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committee created by it shall be entitled to the same courtesies and treatment identified above under Fair and Equal Treatment.

2. Members of the public shall be encouraged to observe the same rules of order and decorum applicable to the Board of Directors. Any person who becomes boisterous while addressing or attending a meeting of the Board of Directors or any committee created by it, or behaves in such a way as to be disruptive of any such meeting(s), shall be removed from the room if the President or committee chair so directs and such people may be barred from further attending that meeting.

NOISE IN THE LOBBY

Noise emanating from the lobby outside of the Board Room which disrupts the meetings of the Board of Directors or any of its committees shall not be permitted.

CROWD CONTROL IN BOARD ROOM

If the General Manager, the District Secretary, or their designees anticipate, in advance, a crowd larger than the maximum number of attendees allowed in the Board Room, appropriate crowd control measures shall be taken.

NON-COMPLIANCE/SANCTIONS

In addition to any other penalty as provided by law or as otherwise specified in this Code, violations of this Code may be used as a basis for subjecting the offender to one or more of the following: removing the violator from the position of chair of a committee; removing the violator from membership on a committee; denying the violator any other assignments on behalf of the District; subjecting the offender to public censure; or restricting the ability of the violator to use his/her travel account for a specified period.

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