
AC Transit

BOARD POLICY

Policy No. 135

Category: Administration

PERSONAL CONFLICTS OF INTEREST AND GIFTS AND GRATUITIES FOR DIRECTORS AND BOARD OFFICERS

PURPOSE

Consistent with Federal Transit Administration Circular No. 4220.1F, the Alameda-Contra Costa Transit District Board of Directors is establishing these guidelines to govern personal conflicts of interest and the acceptance of gifts and gratuities by Directors and Board Officers which may reasonably be interpreted as an attempt to influence their actions with respect to how District business is conducted.

DEFINITIONS

“Common Grant Rules” shall have the meaning set forth in Federal Transit Administration Circular 4220.1F published at 73 FR 56896 on September 30, 2008, or any amendments or revisions to said circular that may occur in the future.

“Favor” means to lend supportive approval to, to be favorably disposed to, and to show partiality towards.

“Financial Interest” shall have the meaning set forth in California’s Political Reform Act of 1974 (Government Code Section 8100, et seq.) and implementing regulations, as interpreted by the Fair Political Practices Commission.

“Gift” means any payment that confers a personal benefit to the recipient as defined in Government Code section 82028 and as it may be amended from time to time.

“Gratuity” means a material favor or gift, usually money, given in return for service.

Adopted: 7/88

REGULATION

Personal Conflict of Interest

No Director or Board Officer, or members of his or her immediate family, partner, or organization that employs or is about to employ any of the foregoing may participate in the selection, award, or administration of a contract supported with FTA assistance if a conflict of interest, real or apparent, would be involved. Such a conflict of interest would arise when any of the above has a financial or other interest in the firm selected for award.

Gifts

No Director or Board Officer shall knowingly solicit, accept, or agree to accept, either directly or indirectly, for his/her personal benefit any gifts, gratuities or favors from customers, visitors, vendors or any other person doing (or seeking to do) business with the District if such gifts would create a substantial financial interest. "Substantial financial interest" is defined as a gift, gratuity or favor, from any single source in any calendar year with a total value of the amount specified under the Political Reform Act of 1974 and any amendments to it (Presently, Government Code §89503, as adjusted). Reporting of the receipt of any gifts, gratuities or favors shall be subject to the limitations and reporting requirements contained in the Political Reform Act of 1974 and any amendments to it.

ENFORCEMENT

To the extent any violation of this policy is established and it also would be a violation of the Political Reform Act of 1974, the matter shall be referred to the Fair Political Practices Commission for action. For any violation not subject to the Political Reform Act of 1974, the Board of Directors shall impose such sanctions or disciplinary actions as it deems appropriate under the circumstances.

Adopted: 7/88