

**ETHICS POLICY
FOR THE
SOUTHERN CALIFORNIA
REGIONAL RAIL AUTHORITY**

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SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

ETHICS POLICY

INTRODUCTION

This Ethics Policy incorporates and shall be interpreted in a manner consistent with the laws and regulations which govern the conduct of public officials and employees (including Government Code § § 1090 et seq., Government Code § § 1125 et seq., the Political Reform Act of 1974, Government Code § § 8100 et seq.), as well as the laws which establish and govern the Southern California Regional Rail Authority (SCRRA) (Public Utilities Code Section 130255 and Joint Powers Agreement dated 1991, and any later amendments) and FTA Circular 4220.1F.

This Ethics Policy summarizes campaign contributions which are a part of Government Code Section 84308 of the Political Reform Act and Title 2 California Code of Regulations Sections 18438.1 – 18438.8.

CHAPTER 1.0 ADMINISTRATION OF ETHICS POLICY

1.1 Application of Ethics Policy

This Ethics Policy shall govern the conduct of all employees, consultants¹, and Board Members/Alternates of the Southern California Regional Rail Authority (hereinafter referred to as the “SCRRA”) and any of its organizational units.

1.2 Procedures and Guidelines for Obtaining Ethics Advice

- (a) When in doubt of the applicability of any provision of the Policy to any particular situation, request an advisory opinion from the General Counsel. The request for an advisory opinion should be in writing and set forth all facts upon which the opinion is to be based.
- (b) The Chief Executive Officer and, as necessary, Chair of the Board shall monitor and enforce this policy.

1.3 Definitions

For purposes of this policy, the following definitions apply:

- (a) “Lobbying” means influencing or attempting to influence SCRRA action through direct or indirect communications, other than administrative testimony with an SCRRA official.
- (b) “Lobbying firm” means any business entity, including an individual lobbyist which meets either of the following criteria:
 - (i) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing SCRRA action on behalf of any other person, and any partner, owner, officer or employee of the business entity is a lobbyist.
 - (ii) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, to communicate directly with any SCRRA official for the purpose of influencing SCRRA action on behalf of any other person, if a substantial or regular portion of the activities for which the business entity receives compensation is for the purpose of influencing SCRRA action.

¹ Consultant is a term defined by law (Title 2, Cal. Admin. Code §18700.3), to include, only those contractors who have been granted a certain level of authority. General Counsel should be consulted for assistance in applying the definition on a case by case basis.

- (c) “Lobbyist” means any individual who receives economic consideration, other than reimbursement for reasonable travel expenses for lobbying, including consultants and officers or employees of any business entity seeking to enter into a contract with SCRRA.
- (d) “Lobbyist employer” means any person, other than a lobbying firm, who does either of the following:
 - (i) Employs one or more lobbyists for the purpose of influencing SCRRA action; or
 - (ii) Contracts for the service of a lobbying firm for economic consideration for the purpose of influencing SCRRA action.

CHAPTER 2.0 ENFORCEMENT OF ETHICS POLICY

2.1 Monitoring and Enforcement of Ethics Policy

The Chief Executive Officer and, as necessary, the Chair of the Board shall be responsible for enforcing this policy.

2.2 Penalties

- (a) Penalties for a violation of this policy by an SCRRA employee will depend upon the severity of the violation and, when appropriate, may include a consideration of whether the violation was inadvertent. Penalties will be administered in accordance with the SCRRA discipline policies and procedures and may include:
 - (i) Informal counseling;
 - (ii) Written reprimand;
 - (iii) Suspension;
 - (iv) Demotion or reduction in pay;
 - (v) Termination; or
 - (vi) Any other penalties as deemed appropriate.

- (b) Penalties for a violation of this policy by a contractor, bidder, or proposer will depend upon the severity of the violation and, when appropriate, may include a consideration of whether the violation was inadvertent. Penalties will be administered in accordance with the SCRRA policies and procedures and may include:
 - (i) Termination of contract;
 - (ii) Suspension of contract;
 - (iii) Disqualification from contract award; or
 - (iv) Any other penalties as deemed appropriate.

- (c) With respect to SCRRA Board Members/Alternates, the appointing agency, in consultation with the Chief Executive Officer, and, as necessary, with law enforcement, shall determine appropriate penalties. In cases where the matter cannot be resolved, the matter will be brought to the SCRRA Board and the SCRRA Board shall determine appropriate penalties for violation of this policy.

With respect to appointed Board Members and Alternates, penalties may include, but are not limited to, removal from the Board.

- (d) In addition, to any discipline administered by the SCRRA, violations of the provisions included in this policy based on federal or state law may result in criminal prosecution and/or civil liability or both.

CHAPTER 3.0 SUMMARY OF LIMITATIONS CONCERNING ACCEPTANCE OF GIFTS² AND INCOME

The following limitations are summaries of state law or federal regulation.

The General Counsel should be consulted prior to actions, which could be covered by these limitations if there are any questions on the applicability of the limitations.

3.1 General Rules

- (a) Board Members/Alternates, SCRRA employees designated on the SCRRA Conflict of Interest Code and Consultants must file annual financial disclosure statements. While reporting requirements may vary depending upon the position, in most cases, they will be required to report gifts aggregating fifty dollars (\$50) or more and income of five hundred dollars (\$500) or more received from a single source in a calendar year.
- (b) Board Members/Alternates, SCRRA employees and Consultants shall disqualify themselves from participating in a decision which may have a financial effect upon a source of income aggregating five hundred dollars (\$500) or donor of gifts aggregating four hundred and sixty dollars (\$460)³ or more received within the twelve (12) months preceding the time of the decision.
- (c) Board Members/Alternates, and employees designated in SCRRA's Conflict of Interest Code may not accept any honorarium⁴. Additionally, subject to the exceptions set forth in subparagraph e below, Board Members/Alternates and employees designated in SCRRA's Conflict of Interest Code may not accept gifts of more than four hundred and sixty dollars (\$460) from a single source in a calendar year⁵.
- (d) Board Members/Alternates and SCRRA employees shall not accept gifts aggregating more than ten dollars (\$10) in a calendar month from a lobbyist, lobbying firm, or lobbyist employer as defined in Section 1.3 of this policy.
- (e) Board Members/Alternates, and SCRRA employees or agents will neither solicit nor accept gifts, gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements. If it is found that this provision has been violated, the contract(s) at issue may be subject to termination.

² The threshold amount as to gifts shall be adjusted biennially by the Fair Political Practice Commission pursuant to the California Government Codes §§ 89500 et seq., designated to reflect changes in the Consumer Price Index.

³ "Gift" is defined in State law. See California Political Reform Act, Government Code § 82028.

⁴ "Honorarium" is defined in State law. See California Political Reform Act, Government Code § 89501.

⁵ The threshold amount as to gifts shall be adjusted biennially by the Fair Political Practice Commission pursuant to the California Government Codes §§ 89500 et seq. designated to reflect changes in the Consumer Price Index.

- (f) The following is a partial list of items that are either not considered “gifts” within the meaning of the conflict of interest rules or which are expected from the gift limitations. For a complete list of non-gift items and exceptions, refer to Government Code § 82028 and Cal. Admin. Code, Title 2 §§ 18940-18946.5:
- (i) gifts which were not used and which were, within 30 days of receipt, either returned to the donor or donated to a charity without being claimed as charitable contribution for tax purposes;
 - (ii) gifts from a spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin, or the spouse of any such person;
 - (iii) gifts of hospitality involving food, drink or occasional lodging provided in an individual’s home when the individual or member of his or her family is present, unless any part of the cost of the hospitality provided by the host is paid directly or reimbursed by another person or any person deducts any part of the cost of such hospitality as a business expense on any government tax return;
 - (iv) gifts approximately equal in value exchanged between you and an individual other than a lobbyist on holidays, birthdays or similar occasions;
 - (v) a bequest or inheritance;
 - (vi) informational material provided to assist you in in the performance of your official duties, such as books, reports, pamphlets, calendars, periodicals, audio or video recordings, flashdrive, or admission to informational conferences or seminars;
 - (vii) campaign contributions (although these are subject to disclosure);
 - (viii) personalized plaques and trophies with an individual value of less than \$250;
 - (ix) up to two tickets to fundraisers for campaign committees, other candidates and organizations exempt from taxation under Section 501(c)(3) of the Internal Revenue Code;
 - (x) admission, food, and items of nominal intrinsic value provided at an event where you give a speech, participate in a panel or seminar, or provide a similar service, even where the event is sponsored by contractors or potential contractors.

3.2 Travel Costs

In certain specified situations, payment or reimbursement for travel and lodging may not be considered a gift for purposes of disqualification when the travel is related to SCRRA business or for the purpose of making a speech. However, that payment may still have to be reported. If a third party has offered to pay or reimburse Board Members/Alternates or SCRRA employees for traveling expenses, the General Counsel should be consulted prior to accepting the payment or reimbursement to determine whether the acceptance would require disqualification and/or disclosure.

3.3 Violations

Failure to comply with the disclosure and/or disqualification provisions may result in internal disciplinary actions. Additionally, an individual who knowingly or willfully does not comply with the disclosure and/or disqualification provisions may be guilty of a misdemeanor, have civil and criminal penalties levied against them, and, if convicted of a misdemeanor, cannot seek office or act as a lobbyist for up to four (4) years from his/her conviction.

CHAPTER 4.0 OUTSIDE ACTIVITIES

4.1 Incompatible Activities

- (a) A Board Member/Alternate, officer, or employee of the SCRRA shall not engage in any employment, activity, or enterprise for compensation that is inconsistent, incompatible, or in conflict with his/her duties as an SCRRA officer or employee or with the duties, functions, or responsibilities of his/her appointing power or the SCRRA. Such officer or employee shall not perform any work, service, or counsel for compensation outside of his/her SCRRA employment where any part of his/her efforts will be subject to approval by any other officer or employee of the SCRRA, unless otherwise approved by the SCRRA.

Decisions under this Section 4.1 concerning approval of outside employment by part-time employees and temporary employees working on a part-time basis may be made by the Chief Executive Officer. Such decisions concerning approval of outside employment by a Board Member/Alternate or a current, full-time employee, including the Chief Executive Officer, shall be made by the Board.

- (b) The SCRRA deems the following activities inconsistent with, incompatible to, or in conflict with Board Members/Alternates and employees duties:
- (i) Use for private gain or advantage of SCRRA's time, facilities, equipment, supplies, badge, prestige, or influence;
 - (ii) Receipt or acceptance of any money or other consideration from anyone other than the SCRRA for the performance of any act which he/she would be required or expected to render in the regular course of SCRRA employment;
 - (iii) Performance of an act in other than an official capacity, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other SCRRA employee;
 - (iv) Solicitation of outside work in the name of the SCRRA;
 - (v) Outside employment with time demands which would interfere with the employee's efficiency and quality of work at the SCRRA;
 - (vi) Employment where work with the SCRRA is a prerequisite to such outside employment; or
 - (vii) Any activity which is incompatible or in conflict with the individual's duties or the functions and responsibilities of the SCRRA.

4.2 Employee Request for Outside Employment

- (a) Any SCRRA employee wishing to engage in outside employment shall submit to his/her immediate supervisor a request in the form of a written memorandum for permission to engage in an employment activity. The employee must submit the request prior to commencement of such employment.
- (b) The supervisor, after consultation with the department head, shall prepare preliminary evaluation that addresses whether the outside employment is prohibited by §4.0 of this policy. The supervisor will then forward the request and the evaluation to the Director, Human Resources. The employee submitting the request shall receive a written reply from the Director, Human Resources or designee within ten (10) working days from the date the request was submitted to the supervisor.
- (c) An SCRRA employee may appeal a determination concerning outside employment. The employee must submit his/her appeal in writing to the Chief Executive Officer or his/her designee within five (5) working days of receipt of the Director, Human Resources or designee's decision.
- (d) The Chief Executive Officer or designee will respond to the appeal in writing within five (5) working days of the submission of the appeal. This decision of the Chief Executive Officer on the appeal shall be final and binding.
- (e) An SCRRA officer or employee found to be engaging in prohibited outside employment shall be subject to disciplinary action as set forth in personnel policies adopted by the SCRRA.

4.3 Participation in Political Activities

- (a) SCRRA employees shall not engage in political activities during official duty hours or while on SCRRA premises. SCRRA employees may pursue such interests when off duty.
- (b) Board Members/Alternates and SCRRA employees may not solicit political contributions from other employees or contractors while on duty and should at no time act to coerce such contributions.
- (c) Board Members/Alternates and SCRRA employees shall not, directly or indirectly, solicit political funds or political contributions knowingly from other officers or employees of the SCRRA or from persons on the employment lists of the SCRRA. Nothing in this section prohibits an SCRRA officer or employee from communicating through the mail or by other means requests for political funds or contributions to a significant segment of the public, which may include officers or employees of the SCRRA.

(d) SCRRA employees subject to the Hatch Act may not run for partisan elective office. [The Hatch Act is a set provisions in the United States Code (Title 5, Chapter 15, U.S.C. § 1501 et seq.) which governs the partisan political activities of employees of state or local agencies whose principal employment is in connection with an activity that is financed in whole or in part by loans or grants made by a federal agency].

CHAPTER 5.0 CONFLICTS OF INTEREST

The following limitations are summaries of State law or federal regulation.

The General Counsel should be consulted prior to actions, which could be covered by these limitations if there are any questions on the applicability of the limitations.

5.1 *Ex Parte* Prohibited Communications With Contractors

- (a) No Board Members/Alternates or SCRRA employees responsible for awarding a contract that is subject to the competitive negotiation provisions of § 20216 of the Public Contract Code and § 130238 of the Public Utilities Code shall engage in any *ex parte* communication with a potential contractor or any representative of that potential contractor except in writing and provided that the communication shall be made public. (The contracts subject to § 20216 of the Public Contract Code and § 130238 of the Public Utilities Code concern the purchase of specialized rail equipment, including rail cars, computers, telecommunications equipment, fare collection equipment, microwave equipment, and other related electronic equipment and apparatus which the Board has directed be procured through competitive negotiation.) The limitations of this provision do not apply to contracts for construction or for the procurement of any product available in substantial quantities to the general public.

Staff shall notify Board Members/Alternates and affected staff of such procurements and repeat this restriction in bold type in all documents related to the award of a contract subject to these restrictions.

- (b) No Board Members/Alternates or SCRRA employees shall disclose information that would result in an unfair competitive advantage to a person or organization seeking to enter into a contract with the SCRRA.

5.2 Prohibition Against Participation in Decisions in Which Board Members/Alternates or SCRRA Employees Are Financially Interested (Government Code § 87000 et seq.)

The restrictions discussed below are set forth in a body of state law known as the Political Reform Act. This Act is enumerated, implemented, and regulated through numerous statutes, regulations, and administrative opinions. Many of the Act's terms and concepts are terms of art defined through these authorities. As such, Board Members/Alternates and SCRRA employees should seek specific advice from the General Counsel in interpreting and applying these principles when they encounter a situation where they believe these principles may apply.

Board Members/Alternates, SCRRA employees and Consultants shall disqualify themselves from making, participating in the making, or in any way attempting to use

their official position to influence an SCRRA decision in which they know or have reason to know they have a financial interest.

In addition, no Alternate Member shall make, participate in the making, or in any way attempt to use his/her appointed position to influence an SCRRA decision in which the Alternate knows or has reason to know that the regular member, who the Alternate represents, has a financial interest.

A “financial interest” can consist of an income source amounting to as little as \$500 within a twelve-month period. However, salary from a state or local government agency is not considered “income” for these purposes. (See Government Code §§ 82030, 87100, and 87103).

- (a) An individual is deemed to have a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on him/her or his/her immediate family, distinguishable from its effect on the public generally, or on:
 - (i) Any business entity in which the individual has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
 - (ii) Any real property in which the individual has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
 - (iii) Any source of income, other than gifts, and other than loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by, or promised to the individual within twelve (12) months prior to the time when the decision is made;
 - (iv) Any business entity in which the individual is a director, officer, partner, trustee, employee, or hold any position of management; or
 - (v) Any donor of, or any intermediary or agent for a donor of a gift or gifts aggregating four hundred sixty dollars (\$460)⁶ or more in value provided to, received by or promised to the individual within twelve (12) months period to the time the decision is made.
- (b) Indirect investment or interest means any investment or interest owned by the spouse or dependent child of the individual, by an agent on behalf of the individual, or by a business entity or trust in which the individual, the individual’s agents, spouse or dependent children own directly, indirectly or beneficially a ten percent (10%) interest or greater.

⁶ As adjusted biennially by the Fair Political Practices Commission pursuant to Government Code § 87103(e) to reflect changes in the Consumer Price Index.

- (c) An individual is not prohibited from participating in a decision if his/her participation is legally required in order for the decision to be made. In such a case, the individual must disclose the nature of his/her interest before he/she participates in the decision. The fact that a Board Member's/Alternate's vote is necessary to break a tie does not make his/her participation "legally required."

A violation of this provision is a misdemeanor and may result in civil and criminal penalties. In addition, a violation may preclude the individual from seeking elective office or acting as a lobbyist for up to four (4) years from conviction.

5.3 Prohibition Against Financial Interests in Contracts (Government Code §§ 1090 et seq.)

Board Members/Alternates, employees, and Consultants shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity.

Board Members/Alternates, SCRRA employees and Consultants may not be financially interested in any contract made by them in their official capacity or by any board or body of which they are members.

For the most part, if a Board Member/Alternate is interested in a contract, his/her membership on the Board by itself constitutes participation in the award of the contract. As such, usually, his/her abstention would not be sufficient to avoid a conflict of interest. However, there are certain statutory exceptions where a Board could award the contract providing the interested Member were to abstain. The General Counsel should be consulted in instances where it is believed that a member has a financial interest in a contract to determine whether Board action can be taken and if so, what restrictions must be met. It is crucial that such advice received before the Member participates in any discussion, formal or informal, or votes on the contract.

- (a) This prohibition applies only to decisions involving contracts as compared to the requirements of the Political Reform Act (§ 5.2 above) which apply to all SCRRA decisions.
- (b) The concept of participation in the making of a contract has been broadly defined to include involvement in the preliminary contract discussions, drawing of plans or specifications, solicitation of bids, recommendation of contract awards, and monitoring or amendment of the contract.
- (c) The concept of what constitutes a financial interest for purposes of this provision is not as specifically delineated as with the Political Reform Act (§ 5.2 above). However, those definitions should be used as guidance.

- (d) A contract executed in violation of this provision is void and the interested individual would be subject to fine of up to one thousand dollars (\$1,000) or imprisonment and would forever be disqualified from holding office in California.

5.4 Federal Law

- (a) Federal Law requires that no Board Member/Alternate or SCRRA employee, or his/her immediate family member, partner, or organization that employs or is about to employ any of the foregoing, shall participate in the selection, or the recommendation for award or in the awarding or administration of a contract supported by FTA funds if a real or apparent conflict of interest would be involved. As defined in FTA Circular 4220.1F, a conflict would arise when any one of those listed above has a financial or other interest in the firm selected for award.
- (b) Board Members/Alternates, and SCRRA employees or agents, will neither accept nor solicit gifts, gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. In addition, no contractors, potential contractors, or parties to sub-agreements shall offer gratuities, favors or anything of monetary value to Board Members/Alternates, SCRRA employees or agents. [See 2 CFR §200.318(c)(1)].

5.5 Disclosure of Related Parties Employed by Contractors/Vendors

Existing Human Resources Policy No. 1.2.3 prohibits employment of relatives of department directors, division managers and/or supervisors within the same department or for a contractor whose contract is directly managed by the department director, division manager or supervisor. This policy establishes a requirement and a procedure to annually disclose familial relationships between or among SCRRA directors, managers, project managers, and supervisors on the one hand, and employees of SCRRA vendors and contractors on the other hand. The purpose of this policy is to avoid an actual or potential conflict of interest when vendors or contractors employ relatives of SCRRA personnel. The broad policy embodied herein, as well as in HR Policy No. 1.2.3., is that there should be no supervisory or managerial oversight of contracts by SCRRA personnel who are related to an employee of such vendor or contractor. Specifically, relatives of SCRRA supervisory or managerial employees should not be assigned by vendors or contractors to contracts managed by SCRRA employees.

- (a) Annually, concurrently with the required FPPC Form 700 filing, designated personnel will file an additional disclosure with the Board Secretary, identifying relatives, including current spouse, children, parents, grandparents, brothers and sisters, step-relationships and in-law relationships, who are employed by vendors or contractors of the SCRRA. For purposes of this policy, “spouse” means those employees having a legal marital relationships, as well as those involved in registered domestic partnerships.

- (b) Forms submitted by designated personnel will be reviewed by the Chief Executive Officer or his designee to determine if an actual or apparent conflict of interest may exist. The Chief Executive Officer or his designee shall consult with the relevant Director, the Director of Human Resources, and/or General Counsel to determine the resolution of an actual or apparent conflict of interest.

- (c) Supervisors and managers with relatives who are or may be employed by the vendors or contractors should seek guidance to determine whether an actual or apparent conflict of interest may exist. In general, if a relative is employed an SCRRA vendor or contractor that is not in a supervisory or managerial relationship with an SCRRA employee, a conflict of interest will not exist. In addition, if a relative is employed by an SCRRA vendor or contractor in an overhead position, or is assigned to a contract not managed or directed by an SCRRA employee, a conflict of interest will not exist. If, however, a direct or indirect supervisory relationship may be present between and SCRRA supervisor or manager and a relative, such relationship shall be disclosed, the potential for a conflict does exist, and a resolution of the matter will be determined by the Chief Executive Officer in concert with appropriate Authority personnel.

CHAPTER 6.0 DISQUALIFYING POLITICAL CONTRIBUTIONS

6.1 Disqualifying Political Contributions

- (a) No Board Member/Alternate shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his/her agent, or from any participant, or his/her agent, while a proceeding involving a license, permit, or other entitlement for use decision is pending before the SCRRA and for three (3) months following the date a final decision is rendered. "Entitlement for use" includes all contracts except competitively bid, labor, or personal employment contracts. This prohibition applies regardless of whether the individual accepts, solicits, or directs the contribution for himself/herself or on behalf of any other candidate or committee.
- (b) Prior to rendering any decision on an entitlement for use pending before the SCRRA, each Board Member/Alternate who received a contribution within the preceding twelve (12) months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding.
- (c) No Board Member/Alternate shall make, participate in making, or in any way attempt use his/her official position to influence the contract decision if the Board Member/Alternate has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding twelve (12) months from a party or his/her agent, or from any participant, or his/her agent, provided, however, that the Board Member/Alternate knows or has reason to know that the participant has a financial interest in the matter under deliberation. This prohibition would include contributions from subcontractors if either of the following applies:
 - (i) The contribution was made at the request of, or in coordination with, the contractor; or
 - (ii) The subcontractor has actively supported or opposed the award of the contract.
- (d) If a Board Member/Alternate receives a contribution which would otherwise require disqualification under this section but returns the contribution within thirty (30) days from the time he/she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he/she shall be permitted to participate in the proceeding.

- (e) For the purpose of this chapter:
- (i) “Party” means any person who files an application for or is the subject of a proceeding involving a license, permit, or other entitlement for use, including amendments and change orders to competitively bid contracts.
 - (ii) “Participant” means, any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permits, or other entitlement for use, including contract actions, and who has a financial interest in the decision. A person actively supports or opposes a particular decision in a proceeding if he/she lobbies in person the Board Members/Alternates or SCRRA employees, testifies in person before the SCRRA, or otherwise acts to influence officers of the agency.
 - (iii) “Contribution” includes contributions to candidates and committees in federal, state, or local elections.
- (f) All persons or entities submitting a bid or contract proposal to the SCRRA on other than competitively bid contract shall include in that bid/proposal a statement disclosing any contribution(s) made within the preceding twelve (12) months by the person/entity or its agent to any Board Member/Alternate. All contract solicitation documents for other than competitively bid documents released by the SCRRA shall contain a requirement that all responses to the solicitation contain a statement of contributions as set forth above.
- (g) State law provides that violations of the provisions regarding political contributions are misdemeanors, which may result in criminal and/or civil penalties and may preclude the individual from seeking elective office or acting as a lobbyist for up to four (4) years from conviction.

CHAPTER 7.0 RESTRICTIONS ON CONTRACTING WITH FORMER BOARD MEMBERS/ALTERNATES OR WITH CURRENT OR FORMER SCRRA EMPLOYEES

7.1 Post Employment Restrictions for Board Members/Alternates

Unless the SCRRA finds that special circumstances exist which justify the approval of such contract:

The SCRRA shall not employ or retain under contract for compensation any individual who has served as a Board Member/Alternate within the previous twelve (12) months.

The SCRRA shall not enter into contract with any entity which employs or retains under contract any individual who served as a Board Member/Alternates within the previous twelve (12) months unless the former Board Member/Alternate is not an officer, principal, partner or shareholder of the entity and the former Board Member/Alternate does not participate in the preparation of the bid or the performance of the contract.

7.2 Post-Employment Lobbyist Restriction for Board Members/Alternates

No Board Member or Alternate for a period of one (1) year after leaving the SCRRA (either by virtue of expiration of term of office or resignation), shall, for compensation, act as a lobbyist.

The SCRRA shall not enter into a contract with any entity, which employs as a lobbyist, as defined in Section 1.3 of this Policy, an individual who has served as a Board Member/Alternate within the previous twelve (12) months.

7.3 Employment Restrictions for Current SCRRA Employees

Unless the SCRRA finds that special circumstances exist which justify the approval of such contract, the SCRRA shall not enter into a contract with an SCRRA employee.

7.4 Post-Employment Restrictions for SCRRA Employees

Unless the SCRRA finds that special circumstance exist which justify the approval of such contract:

The SCRRA shall not enter into a contract with any entity which employs or retains under contract an individual who was employed by the SCRRA within the previous twelve (12) months unless the former employee is not an officer, principal, partner or shareholder of the entity and the former SCRRA employee does not participate in the preparation of the bid or the performance of the contract.

The Chief Executive Officer has the authority to make the determination, on behalf of SCRRA, as to whether special circumstances exist so as to permit SCRRA to enter into a contract with an entity that employs or retains under contract an individual who was

employed by SCRRA within the previous twelve (12) months and either is a principal, partner or shareholder of the entity or participates in the preparation of the bid or the performance of the contract.

7.5 Post-Employment Lobbyist Restriction for SCRRA Employees

No employee of the SCRRA for a period of one (1) year after leaving SCRRA employment, shall, for compensation, act as a lobbyist as defined in Section 1.3 of this Policy.

The SCRRA shall not enter into a contract with any entity which employs as a lobbyist, as defined in Section 1.3 of this Policy, an individual who was employed by the SCRRA within the previous twelve (12) months.

7.6 Certification by Contractors

All persons or entities responding to a contract solicitation of the SCRRA shall submit a written certification identifying any individuals employed or retained under contract by the entity who have served as a Board Member/Alternate or were employed by the SCRRA within the previous twelve (12) months. For each such individual listed, the certification shall specify the position the individual holds with the entity as well as his/her responsibilities, if any, in regards to the bid proposal or the contract performance.

Every contract solicitation document released by the SCRRA shall contain a provision, which informs potential contractors of the restrictions found in this chapter and advises them of their responsibility to provide the SCRRA any and all information, which will assist the SCRRA in enforcing the restrictions.

Every contract solicitation document released by the SCRRA and every contract entered into by the SCRRA should contain language establishing as a material breach any intentional misrepresentation by a contractor in the completion of the certification required by this chapter or in any information provided the SCRRA pursuant to this chapter.

7.7 Applicability

The prohibitions of this chapter shall not apply to contracts with governmental entities where the SCRRA former Board Member/Alternates or SCRRA employee is an elected public official or governmental employee acting in his official capacity to influence SCRRA action.

CHAPTER 8.0 ETHICS TRAINING REQUIREMENT

- 8.1** Pursuant to Government Code Section 53235, every Board Member/Alternate must receive at least two (2) hours of training in general ethics principles and ethics laws relevant to his or her public service every two (2) years.
- 8.2** Board Members/Alternates who are also local agency officials of other local agencies in addition to SCRRA need only complete the ethics training requirements Section 8.1 above once in each two-year period without regard to the number of local agencies with which such Board Member/Alternate serves.
- 8.3** SCRRA will provide Board Members/Alternates information on training available to meet the requirements of this Chapter at least once annually.
- 8.4** Each Board Member/Alternate commencing service after January 1, 2006 shall complete two (2) hours of ethics training within one (1) year of commencement of service, and then once every two (2) years thereafter during his or her term of service with the SCRRA.
- 8.5** Each Board Member/Alternate shall report to the Board secretary the dates that he or she received the ethics training required by this Chapter and the Government Code Section 53235, and the name of the entity that provided such training, and SCRRA is required to maintain such information in its records for at least five (5) years after the Board Member/Alternate receives the training.