



Board Report

File #: 2023-0399, **File Type:** Motion / Motion Response

Agenda Number: 24.

**EXECUTIVE MANAGEMENT COMMITTEE
JUNE 15, 2023**

Motion by:

DIRECTOR NAJARIAN

On January 1, 2023, SB 1439 was enacted, amending California Government Code § 84308 (“§ 84308”). According to the bill’s legislative intent and history, SB 1439 is intended to apply throughout the state to create a uniform, consistent statutory scheme for all elected and appointed officials in California.

§ 84308 is one of the two state laws that concern contract decisions, campaign contributions, and the Metro Board. The expanded reach of § 84308, with new prohibitions, standards, and requirements for both elected officials and agency contractors, requires significant interplay with the interpretation and application of Pub. Util. Code § 130051.20, a similar law exclusively applied to the Metro Board.

Newly proposed regulations under consideration by the California Fair Political Practices Commission, implementing § 84308’s amendments, may also impact the application of other statutory authorities like Pub. Util. Code § 130051.18, Metro’s lobbyist registration law.

In addition, portions of the Board’s Code of Conduct existing within the state’s Public Utilities Code should be reviewed for consistency and duplication with other state legal authorities. Metro-specific Public Utilities Code provisions should also be reviewed for relation to current Metro practices.

Given the significance of state laws governing the Metro Board’s procurement decisions and their relation to campaign contributions received by the Board, and new state legal authorities impacting other, existing laws, Metro must thoroughly consider this statutory and regulatory landscape and pursue legislative actions that further the public’s trust in agency decision-making while adapting to new state laws and the needs of an ambitious agency agenda in the coming years.

With the passage of SB 1439 the Legislature and Governor made it very clear that they want a single uniform set of laws for all elected and appointed officials in California. Metro staff should review current laws and propose suggested changes to minimize confusion and maximize transparency for the public, Metro contractors, and Metro Board Members.

SUBJECT: STATE ETHICS LEGISLATION MOTION

RECOMMENDATION

APPROVE Motion by Director Najarian that the Metro Board direct Metro's Chief Ethics Officer and CEO to work together to incorporate any proposed changes to the 2024 State Legislative Agenda to address any issues with state legal authorities that may impact Metro activities.