



October 3, 2022

To: Executive Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Orange County Transportation Authority Code of Conduct

Overview

As required by the Federal Transit Administration and organizational best practices, the Orange County Transportation Authority maintains a written code of conduct to provide direction to officers, employees, agents, and members of the Board of Directors on appropriate and professional behavior in conducting the business of the Orange County Transportation Authority.

Recommendation

Receive and file as an information item.

Background

The Federal Transit Administration (FTA) requires that all funding recipients maintain a written code of conduct, or standards of conduct, that will govern the actions of its officers, employees, Board Members, or agents engaged in the award or administration of sub-agreements, leases, third-party contracts, or other arrangements supported with federal assistance.

The Orange County Transportation Authority (OCTA) last updated and adopted the Code of Conduct Policy on November 9, 2020.

Discussion

The OCTA Code of Conduct Policy (Attachment A) requires that employees, agents, and members of the Board of Directors (parties) exercise the highest level of ethical behavior in the conduct of OCTA business. It includes expectations that these parties comply with the law, as well as with the letter and spirit, of the Code of Conduct.

Consistent with FTA requirements and codes of conduct adopted by other public agencies, the OCTA Code of Conduct prohibits both real and apparent conflicts

of interest and includes procedures for identifying and preventing such conflicts. As a means of promoting a strong ethical culture at OCTA, the Code of Conduct also includes reiterations of existing OCTA policies or federal and state laws prohibiting discrimination, retaliation, sexual harassment, and other inappropriate behavior.

The section of the Code of Conduct related to gifts is a required element of a written code of conduct as provided in OCTA's Master Agreement with the FTA. The rules prohibit OCTA employees, agents, and members of the Board of Directors from accepting any gifts, gratuities, favors, or anything of monetary value from contractors, subcontractors, bidders, or proposers on federally funded OCTA contracts. On non-federally funded contracts, gifts totaling less than \$520 from other sources would be permitted so long as designated employees, as defined in OCTA's Conflict of Interest Policy, report the gifts on their annual Statements of Economic Interests in accordance with state law. This gift limit is updated biennially, and the Code of Conduct presented herewith has been updated to reflect changes made and effective as of 2021.

Changes to 2022 Code of Conduct Policy are summarized below:

1. Section V. L, the word "telephone" was removed;
2. Section VII. B was revised to update the division name;
3. Section VII. B was revised to remove reference to the specific type of discipline that will result from a policy violation;
4. Section V. F was revised to mirror changes to Title 2 of California Code of Regulations Section 18940.2 as it relates to gifts.

The Code of Conduct is provided to employees on their date of hire and biennially thereafter, with acknowledgement of receipt required.

Summary

The Orange County Transportation Authority Code of Conduct was developed to provide direction to Orange County Transportation Authority employees, agents, and the Board of Directors on matters related to behavior while conducting Orange County Transportation Authority business.

Attachment

- A. Orange County Transportation Authority Code of Conduct Policy

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