

California High-Speed Rail Authority Proposed Conflict of Interest Code

Comments Received Between November 21, 2014 – January 5, 2015

	DATE RECEIVED	FROM	COMMENT
1.	Fri 11/21/2014 11:36 AM	Alameddine, Essam@HSR <Essam.Alameddine@hsr.ca.gov>	<p>Hi Angie,</p> <p>I recommend the half-mile, Appendix B - Category 3, be amended upward. A HST station would attract, within a several miles radius, sizable “uptick” in real-estate/developments (housing, etc.).</p> <p>“...All investments, business position in business entities and income (which includes receipt of gift loans, and travel payments) from sources of the type that engage in land development, acquisition or sale or real property, engineering, construction, environmental planning, energy research or development, transportation services; provide supplies, materials, machinery, or equipment utilized by the Authority or projects funded by the Authority; provide planning, consulting, engineering, design, legal, auditing, accounting, insurance services of the kind utilized by the Authority; public utilities; and environmental organizations such as non-profit environmental protection organizations.</p> <p>All real property, and all investments, business positions, and income received from sources, located within a half-mile from the boundary lines of a high-speed rail station or the proposed location of a high-speed rail station, a half-mile from the edge of the right-of-way for a designated or proposed high-speed rail route, or five miles from the city limits of any city in which a high-speed rail station may be built pending a final determination of the Authority....”</p> <p>Thank you Essam (Sam) Alameddine Southern California Program Manager 700 North Alameda Los Angeles, CA 90012 d (213) 628-8027 (No vm) m (213) 509-2997 Essam.Alameddine@hsr.ca.gov http://hsr.ca.gov/</p>

California High-Speed Rail Authority Proposed Conflict of Interest Code

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2.	Mon 11/24/2014 2:26 PM	Van Dyken, David@HSR <David.VanDyken@hsr.ca.gov>	<p>Hello Angie,</p> <p>Under the Designated Positions under Program Management, there are two vacant Supervising Transportation Planner positions that should be filled in the next few months. These two positions are designated and show up on the Organization Chart, but aren't listed in the Proposed CHSRA Conflict of Interest Code.</p> <p>David Van Dyken Senior Transportation Planner David.VanDyken@hsr.ca.gov w: (916) 669-6631 www.hsr.ca.gov</p>
3.	Fri 12/13/2013 6:53 AM	Palani <palani@infocon.in>	<p>Dear Angie Reed,</p> <p>Could you please provide us the copy of the text of Proposed Regulations of amended sections for:</p> <p>TITLE 2. CALIFORNIA HIGH-SPEED RAIL AUTHORITY section 87306</p> <p>California High-Speed Rail Authority 770 L Street, Suite 800 Sacramento, CA 95814 COICode@hsr.ca.gov</p> <p>which was published in the California Register, under "Proposed Action on Regulations" dated 12062013.</p> <p>Regards,</p> <p>Palani Selvam Infocon International Ltd.</p>

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4.	Thu 12/18/2014 4:47 PM	Karim Drissi <karimd@car.org>	<p>Angie,</p> <p>I hope that you are doing well. I was wondering if you could please email me a copy of the proposed conflict of interest code for the California High Speed Rail Authority, which was recently noticed in the California Regulatory Notice Register. Thanks in advance for your reply. I look forward to hearing from you. Happy holidays!</p> <p>Sincerely, Karim</p> <p>Karim Drissi Regulatory Analyst California Association of REALTORS® 1121 L Street, Suite 600 Sacramento, CA 95814 Phone: (916) 716-1601 E-mail: karimd@car.org</p>
5.	Sat 12/27/2014 1:29 PM	Carol Bender cmbdoll@aol.com	<p>Dear Ms. Reed,</p> <p>I just saw the announcement regarding a new Conflict of Interest Policy for the CAHSRA . I have copied some of it below.</p> <p>I would like to see the written explanation of reasons for the proposed amendments and the available information on which the amendments are based as the notice specifies below.</p> <p>You can send them to me at this e-mail address.</p> <p>Best regards, Carol Bender cmbdoll@aol.com</p>
6.	Wed 12/31/2014 10:24 AM	Carol Bender cmbdoll@aol.com	<p>Hi.</p> <p>Thank you so much for sending me the policy</p> <p>I note that there is very specific detail on page 7 (Appendix B Category 3) as to Real estate properties and investments:</p> <p>i.e., -- those within 1/2 mile from the boundaries of a HSR station or proposed location</p> <p>-- those within 1/2 mile from the edge of ROW for a route or 5 miles from</p>

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			<p>city limits of any city which is a high speed rail station.</p> <p>I know that the HSRA Board is listed as not being under this new code (rather, Govt code 87200) But can you tell me if HSRA Board members must also disclose the same interests/ information listed in this detailed Appendix B Category 3 section? Is this same degree of disclosure to be required of all Board members per HSRA policy as well?</p> <p>Thanks so much. Carol</p>
7.	Wed 12/31/2014 11:23 AM	Carol Bender cmbdoll@aol.com	<p>I just wanted to make sure that you received my previous e-mail. I didn't want to call you again, as I know you are busy. I will be available by phone for the next 2 hours if that is an easier way to answer the question. Thanks again. Carol 661-588-0806</p>
8.	Fri 1/2/2015 11:00 AM	Carol Bender cmbdoll@aol.com	<p>Thank you, Ms. Reed. I hope you had a nice New Years holiday. I look forward to hearing what the staff attorney says about this. I would think that this new policy (emphasis on very detailed restrictions on page 7) would apply to Board members as well. You noted on the telephone that the Board is held to an even stricter code. However, I have not found this sort of specific detail in that code (which is broader in scope). If so, it would seem reasonable to apply the specific restrictions in this new policy to all Board Members as well. This would provide clarity. There should be more universal conflict of interest policy for all those associated with the Authority.</p> <p>I look forward to hearing from you. C. Bender</p>
9.	Fri 1/2/2015 3:22 PM	Carol Bender cmbdoll@aol.com	<p>January 2, 2014</p> <p>Angie Reed Board Members California High-Speed Rail Authority 770 L Street, Suite 620 MS 2 Sacramento, CA 95814</p>

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			<p>RE: Amendment of Conflict of Interest Code High Speed Rail Authority</p> <p>I am forwarding this communication to the Board, as I am aware that the deadline to comment on this matter is January 5, 2014 (Monday). I have yet to hear back from you with regard to my previous questions about conflict of interest policy changes for Board members.</p> <p>I note that the only mention of the new Conflict of Interest policy on the Homepage of your website is in a purple box to the top right. It must be double clicked to get the information. It is not listed as a link under the "What's New" category on the home page. I doubt many are aware of it, especially given that it was proposed after the last Board meeting.</p> <p>I think the clarity provided with the policy changes is good. However, Board members are excluded from the clarifying category 1-3 descriptions in this new policy. This should be corrected. Given that at least one Board member has had real estate/business investments within a 1/2 mile proximity to the proposed Fresno Station and has continued to have an active vote on all issues on the Madera-Fresno-Bakersfield alignment in the past, this point seems highly relevant. I do not recall any voting recusals.</p> <p>If there was need to specifically clarify the categories for other HSRA members/employees, it seems important to clarify it for the Board as well. Of note....what is good for the goose, is good for the gander. I note that the agency can amend their current policy at any time.</p> <p>87307. Amendments to Code by Agency</p> <p>An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction.</p> <p>I appreciate the HSRA's efforts to provide greater transparency to the current process in recent months. I think including Board Members in this new policy will only help to strengthen that transparency.</p>

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			<p>The current code 87200 is more vague with regard to categorizing specific conflicts of interest area with regard to High Speed Rail business. I urge you to update the conflict of interest policy for High Speed Rail Authority Board Members.</p> <p>I appreciate the opportunity to comment on this process and would welcome any input on your end.</p> <p>Sincerely, Carol Bender 13340 Smoke Creek Ave Bakersfield, CA 93314</p> <p>Please note Category 1-3 copy/pasted below:</p> <p>Added: from new proposal: Appendix B Disclosure Categories Category 1</p> <p>All investments, and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources of the type that provide supplies, services, material, machinery, or equipment utilized by the designated position’s division or department.</p> <p>Category 2</p> <p>All investments, and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources that have filed a claim or lawsuit against the Authority within the last two years or have a claim pending against the Authority.</p> <p>Category 3</p> <p>All investments, business position in business entities and income (which includes receipt of gift loans, and travel payments) from sources of the type that engage in land development, acquisition or sale or real property, engineering, construction, environmental planning, energy research or development, transportation services;</p>

California High-Speed Rail Authority Proposed Conflict of Interest Code

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			<p>provide supplies, materials, machinery, or equipment utilized by the Authority or projects funded by the Authority; provide planning, consulting, engineering, design, legal, auditing, accounting, insurance services of the kind utilized by the Authority; public utilities; and environmental organizations such as non-profit environmental protection organizations.</p> <p>All real property, and all investments, business positions, and income received from sources, located within a half-mile from the boundary lines of a high-speed rail station or the proposed location of a high-speed rail station, a half-mile from the edge of the right-of-way for a designated or proposed high-speed rail route, or five miles from the city limits of any city in which a high-speed rail station may be built pending a final determination of the Authority.</p> <p>Category 4</p> <p>All investments, and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from entities of the type to receive grants from or through the Authority</p> <p>http://www.hsr.ca.gov/docs/about/Proposed%20CHSRA%20Conflict%20of%20Interest%20Code.pdf</p>
10.	Fri 1/2/2015 3:37 PM	Carol Bender cmbdoll@aol.com	<p>RE: Comment CAHSR Conflict of Interest Policy Changes.</p> <p>Thank you for your note, Miss Reed. I just submitted a comment with regard to this issue to you and to the Board. I am aware of Section 87200 of the government code and AB 41</p> <p>http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ab_41_cfa_20110314_105235_asm_comm.html</p> <p>In fact, the author of that bills states the reasoning behind it as:</p> <p>"1)Purpose of the Bill : According to the author: AB 41 adds the California High-Speed Rail Authority to Section 87200 of the Political Reform Act which will close a loophole that has allowed CHSRA members to receive thousands of dollars from special interests while voting on issues that impact those very interests. Potential conflicts involving special interests would have to be</p>

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			<p>announced before CHSRA deliberations could begin and CHSRA members would have to recuse themselves before a vote on items involving conflicts.</p> <p>An investigative report in the LA Times on October 31, 2010 revealed that members of the California High-Speed Rail Authority were not required to abide by the same conflict of interest requirements as other governmental bodies such as the Public Utilities Commission, the Coastal Commission, the state Energy Commission and other state and local government panels which are required to announce the nature of a disqualifying conflict before deliberations can begin. Members of these government entities must leave the room during debate and voting.</p> <p>The LA Times report found that certain members of the California High-Speed Rail Authority received more than \$10,000 - under state law, the threshold for disclosing sources of outside income - from the special-interest clients in recent years. However, potential conflicts involving some of those clients have not always been recognized or publicly disclosed during meetings by the CHSRA board members.</p> <p>AB 41 adds the California High-Speed Rail Authority to the Political Reform Act which will increase transparency and reduce conflicts of interest."</p> <p>Previously, Board Members were listed under code 87300. The effort to place them in the code category 87200 was an effort to increase their scrutiny. This seems to underscore my original comment. The detail in category 1-3 in the new policy should apply specifically to persons under both code 87200 (Board members) and 87300.</p> <p>Please include this correspondence along with my previous submission on the current Conflict of Interest Policy prior to the January 5 deadline. I strongly urge the CAHSRA to make changes to their Conflict of Interest Code with regard to its Board members to incorporate the language of Category 1-3 requirements specifically.</p>

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			<p>Sincerely,</p> <p>Carol Bender 13340 Smoke Creek Ave Bakersfield, CA 93314</p>
11.	Sun 1/4/2015 6:59 AM	Kathy Hamilton <katham3@gmail.com>	<p>Here are some thoughts I have on the amendments to the Conflict of Interest prior to the January 5, 2014 (Monday) deadline. It is certainly a good decision to include more Authority employees under conflict of interest guidelines since the project will involve billions of dollars. I believe in addition, the High-Speed Rail Authority should make it very clear what rules pertain to them as board members and in addition to their employees and consultants. The Authority board members and key executive employees certainly must file 700 forms early but perhaps those forms are not enough.</p> <p>It seems that Board members are excluded from the clarifying category 1-3 descriptions in this new policy. This should be corrected.</p> <p>In addition in the new amendments, the agency can amend their current policy at any time. That appears to be inappropriate. If any of the board members have a conflict they may choose to amend the rules to avoid personal violations. See below 87307</p> <p>87307. Amendments to Code by Agency</p> <p>An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction.</p> <p>In addition to these comments regarding new conflict of interest changes, I think there is a need to investigate a board member’s property ownership. Tom Richards is said to have property in the vicinity of the HSR development area. I believe that the board should pursue and clarify whether he does or does not violate the 1/2 mile proximity to the proposed Fresno Station. He has continued to have an active vote on all issues on the Madera-Fresno-Bakersfield alignment in the past. I do not recall any voting recusals and this may be inappropriate if there is a violation. Please begin an</p>

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			<p>investigation on the properties that Tom Richards has any full or partial ownership of, under his name or holding corporation's names. Any ownership that he maintains should be reviewed as well as the filings of the 700 forms on the subject.</p> <p>In summary, the Authority should make it very clear how they, board members and key senior positions, in addition to the consultants and other employees, will remain squeaky clean in the assignment of contracts for the Rail project. Thank you, Kathy Hamilton</p>
12.	Mon 1/5/2015 12:31 PM	Joyce Dillard <dillardjoyce@yahoo.com>	<p>Please forward your pending Conflict of Interest Code. We cannot locate it on the website.</p> <p>Joyce Dillard</p>