

Board Policy No. 8 Conflict of Interest Code

Summary

This policy establishes the NCTD Conflict of Interest Code pursuant to the Political Reform Act (Government Code § 81000, et seq.).

Purpose

The Political Reform Act (Government Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (“FPPC”) has adopted 2 Cal. Code of Regulations (hereinafter, “Regulation”) § 18730 which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency’s code. After public notice and hearing, Regulation 18730 may be amended by the FPPC to conform to amendments in the Political Reform Act. Therefore, the terms of Regulation 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the North County Transit District (the “District”).

Government Code § 87306.5, also requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or if the code must be amended. Once the determinations have been made, a notice must be submitted to the code reviewing body per the biennial review.

All officials set forth in Government Code § 87200 and designated positions shall file their statements of economic interest with the Human Resources Manager as the District’s Filing Officer. The Human Resources Manager shall make and retain a copy of all statements filed by Members of the Board, the Executive Director and all other designated positions and will forward the originals of such statements to the Clerk of the County of San Diego Board of Supervisors. The Human Resources Manager shall retain copies of the statements and will make all retained statements and electronic filings available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

Officials Who Manage Public Investments

District officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3(b), are not subject to the District’s Code, but must file disclosure statements under Government Code § 87200, et seq. (Regs. 18730(b)(3)) These positions are listed here for informational purposes only.

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It has been determined that the positions listed below are officials who manage public investments (Note: Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by 87200):

Board Members and Alternates
Executive Director
Chief Financial Officer
Financial Consultants

Disclosure Requirements

- A. Public Officials and employees holding positions designated in this Conflict of Interest Code are required to file the initial, annual, and leaving office statement of economic interest for the types of interests in the categories set forth in the applicable Disclosure Categories. It has been determined that these persons make or participate in making decisions, which foreseeably may have a material effect on such financial interests.
- B. Where the Disclosure Category requires disclosure of interests in real property, the designated employee is only required to disclose real property which is located in whole or in part within or not more than two (2) miles outside the boundaries of the jurisdiction or within two (2) miles of any land owned or used by the District.
- C. Where the Disclosure Category requires disclosure of investments or sources of income, the designated employee is only required to disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two (2) years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.
- D. Where the Disclosure Category requires disclosure of business positions, the designated employee is only required to disclose positions of director, officer, partner, employee, or any position of management in organizations or enterprises operated for profit.

Designated Positions Governed by the Conflict of Interest Code

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Accounting Manager (All)	1
Architect	2, 3, 5
Bus Mechanical Officer	5
Chief Administrative Officer	1, 2
Chief Development Officer	1, 2
Chief Financial Officer	1, 2, 3, 4, 5, 6
Chief of Planning, Strategy, & Innovation	1, 2
Chief Procurement and Contract Administration Officer	1, 2

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DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Chief of Advocacy, Marketing, and Communications	1, 2
Chief of Safety	1, 2
Chief Operations Officer (All)	1, 2
Chief Technology Officer	1,2
Civil Rights Officer	1, 2
Compliance Officer	1, 2
Contract Officer (All)	1, 2
Controller	1, 2
Customer Service Supervisor	5
Deputy Clerk	5
Director of Bus Operations	5
Director of Engineering and Maintenance	1, 2, 4, 5, 6
Director of Facilities and Project Management	5
Director of Human Resources	5
Director of Operations Control Center	5
Director of Rail Operations	5
Director of Service Planning	5
Document Control Coordinator	5
Engineer (All)	5
Executive Director	1, 2, 3, 4, 5, 6
Fare Revenue Specialist	4
Field Safety Specialist	5
General Counsel	1, 2, 3, 4
Human Resources Generalist	5
Instructional Design Manager	5
IT Project Coordinator	5
IT Manager	5
IT Program Manager	5
Legal Coordinator-Claims	4
Maintenance of Way Manager	5
Management Analyst (All)	5
Manager of Administration	5
Manager of Facilities	5
Manager of Security	5
Manager of Customer Service	5
Manager of Marketing and Communications	5
Manager of Real Estate	1, 2, 3, 5, 6

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DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Marketing and Communications Coordinator	5
Marketing Director	5
Manager of Paratransit & Mobility Services	5
Operations Control Center Supervisor	5
Planner (All)	2, 5
Procurement & Contract Administration Manager	1, 2
Principal Human Resources Generalist	5
Project Administrator	5
Quality Control Supervisor (All)	5
Rail Mechanical Officer (All)	5
Rail Operations Officer	5
Rail Technologies (All)	5
Real Estate Administrator	6
Right of Way Coordinator	6
Senior Accountant (All)	5
Senior Financial Analyst	5
Senior Graphic Communications Designer	5
Senior Legal Counsel	1, 2, 3, 4
Signal Manager	5
System Safety and Compliance Inspector	5
System Safety Specialist (All)	5
Technical Manager-Train Control Systems	5
Consultants and New Positions	

Individuals providing services as a Consultant defined in Regulation 18700.3, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Executive Director may determine that due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec.

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DESIGNATED EMPLOYEES' TITLE OR FUNCTION

DISCLOSURE CATEGORIES ASSIGNED

82019; Regulations 18219 and 18734.). The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

Disclosure Categories

The disclosure categories listed below identify the types of economic interests that the Designated Position must disclose for each disclosure category to which he or she is assigned. (Note: This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg.18730.1))

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Position's department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the Designated Position's department, unit or division.

[Approvals on following page]

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Approvals

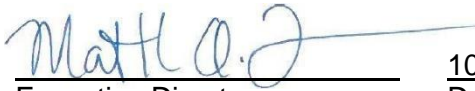


A.J. Krang

Board Chair

10/21/2021

Date



Matt O.J.

Executive Director

10/21/2021

Date



[Signature]

General Counsel

10/21/2021

Date

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DATE	REVISION No.	RESOLUTION No.	COMMENTS
10/18/2012	ADOPTED	12-10	
10/17/2013	1	13-07	2013 REVISION
10/16/2014	2	14-04	2014 REVISION
11/19/2015	3	15-08	2015 REVISION
10/20/2016	4	16-10	2016 REVISION
10/19/2017	5	17-10	2017 REVISION
10/18/2018	6	18-09	2018 REVISION
10/17/2019	7	19-06	2019 REVISION
10/15/2020	8	20-08	2020 REVISION
10/21/2021	9	21-05	2021 REVISION