

COUNTY OF SAN DIEGO

2019 APR -3 PM 3:50

CLERK OF THE BOARD
OF SUPERVISORS

CONFLICT OF INTEREST CODE

OF THE

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Approved and/or authorized by the
Board of Supervisors of the County of San Diego.
Meeting Date: 5/21/2019 Minute Order No. 15
By: *[Signature]* Date: 5/23/2019
Deputy Clerk of the Board Supervisors

BBK – January 2019

CONFLICT OF INTEREST CODE
OF THE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM
(Amended September 20, 2018)

The Political Reform Act, (Government Code Sections 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) that contains the terms of a standard model conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission 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 **San Diego Metropolitan Transit System (MTS)**.

All officials and designated positions shall file their statements of economic interests with MTS's **General Counsel** as MTS's Filing Officer. The **General Counsel** shall make and retain a copy of all statements filed by Members and Alternates of the Board of Directors, Chief Executive Officer and the Chief Financial Officer, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The **General Counsel** shall retain the originals of the statements filed by all other designated positions. The **General Counsel** will make all retained statements available for public inspection and reproduction during regular business hours (Gov. Code Section 81008).

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

(Amended September 20, 2018)¹

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

MTS Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to MTS's Code, but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments²:

Board of Directors and Alternates

Chief Executive Officer

Chief Financial Officer

Investment Consultant

¹ Nonsubstantive changes to titles made January, 2019.

² Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Assistant (Copy Center)	4
Applications Development & Support Manager	5
Assistant Manager of Maintenance	5
Assistant Manager of Stores	5
Business Systems Analyst (ALL)	5
Buyer	4
Capital Grants Supervisor	2, 4
Chief Human Resources Officer	5
Chief Information Officer	5
Chief of Staff	1
Chief Operating Officer – Rail	1
Chief Operating Officer – Transit Services	1
Creative Design Manager	5
Contract Administrator	4
Controller	1, 2
Datacenter Operations Manager	5
Deputy Director of Transit Enforcement	5
Director of Capital Projects and Real Estate	1, 2 ³
Director of Supply & Operations	4

³ Created through reorganization/reclassification of duties of existing positions – Manager of Capital Project, Manager of Real Estate Assets and Project Manager – Capital Projects.

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Director of Financial Planning & Analysis	1, 2
Director of Fleet and Facility Maintenance	5
Director of Human Resources	5
Director of Marketing & Communications	5
Director of Planning	1, 2
Director of Transit System Security	5
Director of Transportation	1
Enterprise Business Solutions Manager	5
Environmental Health & Safety Specialist	5
Facilities Manager	5
Fare Systems Administrator	5
Financial Analyst	4
General Counsel	1, 2
Graphic Designer III	5
Internal Auditor	4
Liability Claims Supervisor	1, 2, 7
Manager of Contract Operations & Passenger Facilities	2, 4
Manager of Advertising & Contracts	5
Manager of Benefits & Compensation	5
Manager of Capital Projects (duties reorganized)	1, 2
Manager of Human Resources	5

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Manager of Inventory Operations	4
Manager of Maintenance	5
Manager of Paratransit & Mini Bus	5
Manager of Procurement	4
Manager of Real Estate Assets (duties reorganized)	1, 2
Manager of Risk and Claims	1, 2, 7
Manager of Scheduling	5
Manager of Service Quality – Rail Division	5
Manager of Support Services	2, 3, 5
Network Operations Manager	5
Operating Budget Supervisor	1, 2
Procurement Specialist (ALL)	4
Project Engineer (Rail)	1, 2
Project Manager – Capital Projects (duties reorganized)	2, 3, 5
Regulatory Enforcement Supervisor	6
Report Development Analyst	5
Revenue Maintenance Supervisor	5
Revenue Manager (ALL)	5
Revenue Supervisor	5
Right-of-Way Engineer	1, 2
SAP System Administrator	5

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Senior Human Resources Analyst	5
Senior Transportation Planner	1, 2
Staff Attorney – Regulatory Compliance	2, 5, 6, 7
Superintendent of LRV Maintenance	5
Superintendent of Transportation	5
Superintendent of Wayside Maintenance	5
Systems Engineer (Rail)	1, 2
Talent Acquisition Manager	5
Taxicab Administration Manager	5
Transportation Operations Specialist (ALL)	2, 5
Worker's Compensation Analyst	7
ZEB Performance Analyst	5

Consultant and New Positions⁴

⁴ Individuals serving as a Consultant defined in Regulation 18700.3, or in a new position created since this Code was last amended that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Chief Executive Officer 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. 82019; FPPC Regulations 18219 and 18734.). The Chief Executive Officer'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.)

PART “B”

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.³ “Investment” means financial interest in any business entity (including a consulting business, or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of MTS.

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 MTS.

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 MTS.

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 MTS.

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 MTS.

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.

³ 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 of the position. (Reg. 18730.1)

Category 7: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, if such entities or sources have filed claims against MTS in the past 2 years, or have a claim pending before MTS.

Category 8: Disclose 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 geographical area of, and within two miles of, the designated position's assigned project area.



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March 27, 2019

Brian Andrade, Senior Board Assistant
Clerk of the Board of Supervisors
County of San Diego
1600 Pacific Highway, Room 402
San Diego, CA 92101-2471

COUNTY OF SAN DIEGO
2019 APR -2 AM 10:18
CLERK OF THE BOARD
OF SUPERVISORS

Re: San Diego Metropolitan Transit System - Amended Conflict
of Interest Code

Dear Brian:

Enclosed for review and approval by the Board of Supervisors is the amended Conflict of Interest Code of the San Diego Metropolitan Transit System. As you can see by the legislative version of the Code also enclosed, this amendment was done to make title changes through reorganization/reclassification of duties of existing positions.

As described in 2 Cal. Code of Regs § 18752(e)(4), the foregoing changes are considered non-substantive and do not affect or modify any existing disclosure responsibilities.

Therefore, the San Diego Metropolitan Transit System hereby requests approval of these non-substantive amendments to its Conflict of Interest Code. Please let me know when this amendment is set for approval by the Board or Administrative Officer. I would also appreciate a copy of the County's order of approval.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Brian Andrade, Senior Board Assistant
March 27, 2019
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As always, please feel free to call or e-mail me if you or County Counsel have any questions regarding the enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Valdez'.

Dianna Marie Valdez
Conflicts of Interest & Ethics Coordinator
for BEST BEST & KRIEGER LLP
Special Counsel
San Diego Metropolitan Transit System

Encls: Legislative Version of Code
Final Version of Amended Code