

**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

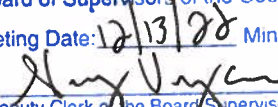
The Political Reform Act (Government Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted 2 Cal. Code of Regulations (hereinafter, "Regulation") § 18730 which contains the terms 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.

Approved and/or authorized by the
Board of Supervisors of the County of San Diego
Meeting Date: 12/13/20 Minute Order No. 23
By:  Date: 12/21/20
Deputy Clerk of the Board Supervisors

Board Policy No. 8 – Conflict of Interest Code

It has been determined that the positions listed below are officials who manage public investments (Note: Individuals holding one of the below-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 that 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
Accounting Technician	1
Architect	2, 3, 5
Asset Administrator	5
Attorney (All)	1, 2, 3, 4
Bus Mechanical Officer	5
Capital Program Manager	1, 2
Chief Administrative Officer	1, 2

Board Policy No. 8 – Conflict of Interest Code

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Chief Development Officer	1, 2
Chief Financial Officer	1, 2, 3, 4, 5, 6
Chief of Procurement and Contract Administration	1, 2, 4
Chief of Safety	1, 2
Chief Operations Officer (All)	1, 2
Chief Planning and Communications Officer	1, 2
Chief Technology Officer	1, 2
Compliance Officer	1, 2
Contract Officer (All)	1, 2
Controller	1, 2
Customer Service Assistant Manager	5
Deputy Chief Development Officer	1, 2
Executive Assistant/Deputy Clerk of the Board	5
Deputy Director (All)	1, 2
Director of Bus Operations	4, 5
Director of Engineering	1, 2, 4, 5, 6
Director of Facilities	5
Director of Human Resources	5
Director of Information Technology	5
Director of Maintenance of Way	5, 6
Director of Maintenance Right of Way	5, 6
Director of Marketing and Communications	5
Director of Operations Control Center	5
Director of Payroll	1, 2
Director of Planning & Development	5
Director of Rail Mechanical	5
Director of Rail Operations	5
Director of Service Planning	5
Director of Strategic Planning	5
Engineer (All)	5
Enterprise Risk Manager	1, 2, 4
Executive Director	1, 2, 3, 4, 5, 6
Facilities Manager (All)	5
Facilities Night Shift Supervisor	5
Fare Revenue Specialist	4
Field Safety Specialist	5
General Counsel	1, 2, 3, 4
Government Affairs Officer	5

Board Policy No. 8 – Conflict of Interest Code

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Human Resources Business Partner (All)	5
Human Resources Coordinator	5
Human Resources Generalist (All)	5
Instructional Design Manager	5
Information Technology Manager	5
Information Technology Program Manager	5
Information Technology Project Coordinator	5
Information Technology Project Manager	5
Information Technology Software and Training Spec	5
Maintenance of Way Manager (All)	5, 6
Maintenance of Way Supervisor (All)	5
Management Analyst (All)	5
Manager of Administration	5
Manager of Customer Service	5
Manager of Equipment for Rail (All)	5
Manager of Facilities	5
Manager of Paratransit & Mobility Services	5
Manager of Rail Operations	5
Manager of Real Estate	1, 2, 3, 5, 6
Manager of Security	5
Manager of Support Services	5
Marketing and Communications Coordinator	5
Maintenance Of Equipment or Operations Supervisor (All)	5
Operations Control Center Supervisor	5
Paratransit & Mobility Services Ops Supervisor	5
Payroll Specialist	1, 2
Planner (All)	2, 5
Procurement & Contract Administration Manager	1, 2
Program Manager Marketing and Ridership Develop	5
Program Manager Rail Technologies	5
Program Network Operations Manager	5
Program Risk Manager	1, 2, 4
Project Specialist	5
Quality Control Supervisor (All)	5
Rail Technologies (All)	5
Real Estate Administrator	6
Right of Way Manager	5, 6
Safety Specialist (All)	5
Senior Accountant (All)	5

Board Policy No. 8 – Conflict of Interest Code

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Senior Financial Analyst	5
Senior Graphic Communications Designer	5
Senior Legal Counsel	1, 2, 3, 4
Senior Network Engineer	5
Senior Project Analyst Engineering & Maintenance	5
Senior Rail Engineer	5
Senior Right of Way Coordinator	6
Senior Total Rewards Analyst	5
Signal Manager (All)	5
Strategic & Financial Business Advisor	1, 2
System Safety and Compliance Inspector	5
Systems Engineer (All)	5
Technical Manager-Train Control Systems	5
Trainer (All)	5
Training Manager	5
Consultants and New Positions	1

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. 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.)

Board Policy No. 8 – Conflict of Interest Code

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, including any leasehold, beneficial or ownership interest or option to acquire property

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]

Board Policy No. 8 – Conflict of Interest Code

Approvals



Board Chair

11/17/2022

Date



Executive Director

11/17/2022

Date



General Counsel

11/17/2022

Date

Board Policy No. 8 – Conflict of Interest Code

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
05/21/2022	10	22-08	2022 REVISION
10/20/2022	11	22-18	2022 REVISION
11/17/2022	12	22-19	UPDATES TO POSITION TITLES AND DISCLOSURE CATEGORIES