

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 Chief People Officer 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: 10/21/24	Minute Order No. 24
By: [Signature]	Date: 10/21/24
Deputy Clerk of the Board Supervisors	

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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 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
Chief Executive Officer
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 miles outside the boundaries of the jurisdiction or within two 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 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
Accountant (All)	5
Accounting Technician	1
Architect	2, 3, 5
Asset Administrator (All)	5
Bus Mechanical Officer	5
Capital Program Manager	1, 2
Chief Development Officer	1, 2

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DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Chief Executive Officer	1, 2, 3, 4, 5, 6
Chief Financial Officer	1, 2, 3, 4, 5, 6
Chief General Counsel	1, 2, 3, 4
Chief Planning and Customer Experience Officer	1, 2
Chief People Officer	1, 2
Chief Procurement Officer	1, 2, 4
Chief Operations Officer (All)	1, 2
Chief Mechanical Officer	1, 2
Chief of Staff	1, 2, 3, 4, 5
Chief Technology Officer	1, 2
Compliance Officer	1, 2
Contract Officer (All)	1, 2
Controller	1, 2
Deputy General Counsel	1, 2, 3, 4
Executive Assistant/Deputy Clerk	5
Director of Administration	5
Director of Bus Operations	4, 5
Director of Customer Experience	5
Director of Engineering	1, 2, 4, 5, 6
Director of Enterprise Risk Management	5
Director of Facilities	5
Director of Human Resources	1, 3, 5
Director of Information Technology	5
Director of Maintenance of Way	5, 6
Director of Marketing and Communications	5
Director of Operations Control Center	5
Director of Learning & Development	5
Director of Payroll	1, 2
Director of Planning & Development	5
Director of Rail Mechanical	5
Director of Rail Operations	5
Director of Security	5
Director of Service Planning	5
Director of Signals	5
Director of Strategic Planning & Transit Systems	5
Drug & Alcohol Program Administrator	5
Engineering Technician	5

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DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Engineer (Civil, Facilities, IT)	5
Executive Advisor (All)	5
Facilities General Services Supervisor	5
Facility Manager (All)	5
Fare Revenue Specialist	4
Fleet Maintenance Manager	5
Government Affairs Officer	5
Grants Analyst/Administrator	5
Human Resources Business Partner (All)	5
Information Technology Manager	5
Information Technology Program Manager	5
Information Technology Project Coordinator	5
Maintenance of Way Manager	5, 6
Maintenance of Way Supervisor	5, 6
Management Analyst (All)	5
Manager of Customer Experience	5
Manager of Equipment for Rail (All)	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 Associate (All)	5
Paralegal	5
Paratransit & Mobility Services Ops Supervisor	5
Payroll Specialist (All)	1, 2
Planner (All)	2, 5
Procurement & Contract Administration Manager	1, 2
Program Manager Marketing and Ridership Development	5
Program Network Operations Manager	5
Program Manager Rail Technologies	5
Program Risk Manager	1, 2, 4
Project Administrator	5
Project Manager (All)	5
Quality Control Supervisor (All)	5
Rail Structures Engineer	5
Rail Technologies (All)	5

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DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Real Estate Administrator	6
Right of Way Manager	5, 6
Safety Manager	5
Safety Trainer	5
Senior Financial Analyst	5
Senior Graphic Communications Designer	5
Senior Network Engineer (All)	5
Senior Planner	2, 5
Senior Project Analyst	5
Senior Rail Engineer	5
Senior Right of Way Coordinator	6
Senior Training Analyst	5
Staff Attorney (All)	1, 2, 3, 4
Trainer (All)	5
Signal Manager (All)	5
Strategic & Financial Business Advisor	1, 2
System Safety and Compliance Inspector	5
System Safety Specialist (All)	5
Systems Engineer (All)	5
Technical Manager-Train Control Systems	5
Training Manager (All)	5
Transit Planner (All)	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 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

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DESIGNATED EMPLOYEES' TITLE OR FUNCTION

DISCLOSURE CATEGORIES ASSIGNED

a written document. (Gov. Code Sec. 82019; 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.)

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 are located in whole or in part within, or not more than two 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.