



Item # 7

DATE October 10, 2018
TO GCTD Board of Directors
FROM Ana Perez, Human Resources Generalist/Clerk of the Board *AP*
SUBJECT **Consider Approval of Resolution 2018-09, to Amend Gold Coast Transit District's Conflict of Interest Code**

I. EXECUTIVE SUMMARY

All local agencies and special districts are required by Government Code §87300 to adopt a Conflict of Interest Code (COIC). A local agency's conflict of interest code (COIC) tells public officials, governmental employees, and consultants what financial interests they must disclose. It must reflect the current structure of the organization and properly identify officials and employees who should be filing Statements of Economic Interests (Form 700s). To ensure COIC's remain current and accurate, each local agency is required to review its code at least every even-numbered year. The GCTD Board of Directors last approved an update to the to agency's Conflict of Interest Code (COIC) in September 7, 2016.

For 2018, GCTD's General Counsel, Best, Best and Kreiger (BB&K) recommended a full review of the District's COIC. BB&K reviewed position descriptions of current and new positions in the organization and recommended additional positions be added. Specifically, the following positions: Accounting Manager, Finance Manager, Human Resources & Risk Manager, Paratransit & Special Project Manager, and Planning Manager. The review also reorganized the Disclosure Categories to include Category 6.

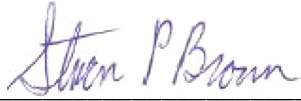
The broadest disclosure requirements remain with the Board, the General Manager and the Director of Finance and Administration, as public officials who manage public investments. All GCTD employees and the Board members impacted by this change have been provided advanced notice of this change. The Clerk of the Board of Supervisors remains the Filing Officer for GCTD. This places the filing responsibility with the entity most knowledgeable and gives GCTD filers access to the Clerk of the Board's E-File.

Attached to this report are 1) a markup version showing all proposed changes to GCTD's COIC, and 2) a clean version of the proposed new COIC.

II. SUMMARY AND RECOMMENDATION

It is recommended that the Board Approve Resolution 2018-09, to Amend Gold Coast Transit District's Conflict of Interest Code.

Concurrence:

A handwritten signature in blue ink that reads "Steven P. Brown". The signature is written in a cursive style with a large initial 'S'.

Steven P. Brown
General Manager

CONFLICT OF INTEREST CODE OF THE GOLD COAST TRANSIT DISTRICT

(Adopted September 7, 2016 Amended October 10, 2018)

The Political Reform Act (Gov. Code § 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 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 officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the **Gold Coast Transit District** (the "**District**").

All officials and designated employees required to submit a statement of economic interests shall file their statements with the Clerk of the Board of Supervisors of Ventura County as the District's Filing Officer. The District shall make copies of all statements available for public inspection and reproduction during regular business hours. (Gov. Code Section 81008)

APPENDIX

CONFLICT OF INTEREST CODE OF THE GOLD COAST TRANSIT DISTRICT

~~(Adopted September 7, 2016~~ Amended October 10, 2018)

PART “A”

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 are subject to the disclosure requirements of the Act. (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 investments¹:

Investment Consultants

¹ 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>
<u>Accounting Manager</u>	<u>5</u>
<u>Communications & Marketing Manager</u>	<u>5</u>
Director of Engineering & Construction	2, 3, 4
Director of Finance and Administration	1, 2
Director of Fleet and Facilities	3, 5
Director of Human Resources	5
Director of Planning and Marketing	1, 2
Director of Transit Operations	5
Facility Project Manager	2, 3, 5
<u>Finance Manager</u>	<u>5</u>
Fleet Manager	5
GCTD Board Member	1, 2
General Counsel	2
General Manager	1, 2
<u>Human Resources & Risk Manager</u>	<u>5, 6</u>
<u>Paratransit & Special Project Manager</u>	<u>2, 5</u>
<u>Planning Manager</u>	<u>1, 2</u>
Purchasing Manager/DBE Officer	4

Consultants and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The General Manager 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 District Manager'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 the District.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that do business 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 employee’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, if such entities or sources have filed claims against the agency in the past 2 years, or have a claim pending before the agency.

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 or duties of the position. (Reg. 18730.1)

RESOLUTION NO. 2018-09

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
GOLD COAST TRANSIT DISTRICT AMENDING THE
CONFLICT OF INTEREST CODE PURSUANT TO THE
POLITICAL REFORM ACT OF 1974**

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Gold Coast Transit District (the "District") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended on September 7, 2016, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the District's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Code was provided each affected designated employee and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on October 10, 2018, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Gold Coast Transit District that the Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Director of Finance & Administration and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said amended Code shall be submitted to the Board of Supervisors of the County of Ventura for approval and said Code shall become effective immediately after the Board of Supervisors approves the proposed amended Code as submitted.

RESOLUTION NO. 2018-09

APPROVED AND ADOPTED this 10th day of October, 2018.

John Zaragoza
Board Chair

ATTEST:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Board of Directors of Gold Coast Transit District a regular meeting thereof held on the 10th day of October, 2018.

Steven P. Brown
Secretary of the Board

CONFLICT OF INTEREST CODE OF THE GOLD COAST TRANSIT DISTRICT

(Amended October 10, 2018)

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Director of Human Resources	5
Director of Planning and Marketing	1, 2
Director of Transit Operations	5
Facility Project Manager	2, 3, 5
Finance Manager	5
Fleet Manager	5
GCTD Board Member	1, 2
General Counsel	2
General Manager	1, 2
Human Resources & Risk Manager	5, 6
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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 employee’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, if such entities or sources have filed claims against the agency in the past 2 years, or have a claim pending before the agency.

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