



Item #7

DATE October 7, 2020
TO GCTD Board of Directors
FROM Angelica Delgado, Clerk of the Board
SUBJECT **Consider Approval of Resolution No. 2020-09 Adopting an Amended Conflict of Interest Code Pursuant to the Political Reform Act of 1974**

I. EXECUTIVE SUMMARY

Pursuant to Section 87306.5 of the Political Reform Act (the “Act”), the Ventura County Board of Supervisors directed the District to: (1) conduct a review of the District’s Conflict of Interest Code (“Code”) to determine if a change in the Code was necessary; (2) file a biennial notice regarding the results of the review no later than the required deadline, and (3) amend the District’s Code pursuant to the Act, if necessary.

During the review process, staff found that updates and amendments to the District’s Conflict of Interest Code are necessary. A redlined version of the proposed amended Code is attached.

BACKGROUND

The Political Reform Act of 1974, Government Code section 81000 et seq. (the “Act”), requires all public agencies to adopt and maintain a Conflict of Interest Code. The Act further requires that agencies regularly review and update their Codes as necessary when directed by the code-reviewing body or when change is necessitated by changed circumstances (Sections 87306 and 87306.5). The Ventura County Board of Supervisors is the District’s code-reviewing body and directed that the Code be reviewed as required under the Act. During this review, staff found that amendments to the Code are necessary to include new positions required to be designated, revise titles of existing positions, delete positions that no longer exist, declare an official who manages public investments, and clarify requirements for disclosing interests in real property.

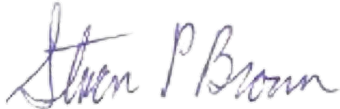
Attached is a redlined version of the proposed amended Code showing the changes to be made to the District’s Code to bring it current.

Attachment: Legislative (redlined) version of proposed amended Conflict of Interest Code.

II. SUMMARY AND RECOMMENDATION

It is recommended that the District adopt Resolution No. 2020-09 adopting the amended Conflict of Interest Code pursuant to the Political Reform Act of 1974.

Concurrence:



Steven P. Brown
General Manager

CONFLICT OF INTEREST CODE OF THE GOLD COAST TRANSIT DISTRICT

(Amended ~~April 3, 2019~~October 7, 2020)

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

(Amended ~~April 3, 2019~~ October 7, 2020)

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:

Director of Finance

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>
Accounting Manager	5
Assistant General Manager	2, 3, 4
Communications & Marketing Manager	5
Director of Finance and Administration [See <i>Officials Who Manage Public Investments, above</i>]	1, 2
Director of Fleet and Facilities [duties combined with Director of Operations & Maintenance]	3, 5
Director of Human Resources	5
Director of Operations & Maintenance	<u>3, 5</u>
Director of Planning and Marketing	1, 2
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
<u>IT Manager</u>	<u>5</u>
Operations Manager	5

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Paratransit & Special Project Manager	2, 5
Planning Manager	1, 2
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, 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 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. 2020-09

**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 April 3, 2019, 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 7, 2020, 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 Clerk of the Board 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.

APPROVED AND ADOPTED this 7th day of October, 2020.

Chairman, Board of Directors
Gold Coast Transit District

ATTEST:

Secretary, Board of Directors
Gold Coast Transit District

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(Amended October 7, 2020)

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Assistant General Manager	2, 3, 4
Communications & Marketing Manager	5
Director of Human Resources	5
Director of Operations & Maintenance	3, 5
Director of Planning and Marketing	1, 2
Finance Manager	5
Fleet Manager	5
GCTD Board Member	1, 2
General Counsel	2
General Manager	1, 2
Human Resources & Risk Manager	5, 6
IT Manager	5
Operations Manager	5
Paratransit & Special Project Manager	2, 5
Planning Manager	1, 2

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Purchasing Manager/DBE Officer

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