



BOARD OF DIRECTORS

Chairman Bob Campbell
Sam Abed
Carl Hilliard
Bill Horn
Chuck Lowery
Chris Orlando
Mark Packard
Dave Roberts
Jerome Stocks

Matthew Tucker, Executive Director
C. Michael Cowett, General Counsel

AGENDA

EXECUTIVE COMMITTEE

Chairman Bob Campbell, Vice-Chair Chris Orlando
Dave Roberts, Vice Chair of the Performance, Administration and Finance Committee
Jerome Stocks, Chair of the Marketing, Service Planning and Business Development Committee
Staff Committee Liaison: Executive Director Matthew Tucker

Thursday, September 9, 2010 – 8:00 a.m.

Closed Session Room

810 Mission Avenue, Oceanside, California

1. Call to Order
2. Changes to the Agenda
3. Biennial Review of the Conflict of Interest Code (Attachments 3A, 3B, 3C)

In compliance with the Political Reform Act of 1974, NCTD reviews its Conflict of Interest Code every two years. Based on the review, NCTD proposes an updating of the Code to incorporate changes in job titles and responsibilities which have taken place during the past few years. After approval by the NCTD Board, the amended Code will be submitted to the Board of Supervisors of the County of San Diego.

4. Discuss Regional Issues (Oral Report)
 - *LOSSAN Update*
 - *SANDAG Update*
5. Discuss Date Change for October Board Meeting (Oral Report) (Attachment 5A)
6. Discuss Retirement Recognition Event (Oral Report)
7. Draft Board Agenda for September 16, 2010 Board Meeting
8. Future Board Agendas (Master Board Agenda)

9. Chair's Report

10. Other Matters

11. Public Comment

12. Next Meeting: 8:00 a.m. Thursday, **October 7, 2010**, 810 Mission Avenue, Oceanside, CA

13. Adjournment

Staff may have new and/or supplemental items that will be distributed at this meeting.

For individuals with disabilities, we will provide assistive services. To obtain such services or copies of documents in an alternate format, please call or write, a minimum of 72 hours prior to the event, to request these needed reasonable modifications. We will make every attempt to accommodate requests that do not give 72- hour notice. Please contact our Clerk of the Board at (760) 967-2808.

Persons with hearing impairment please use the California Relay Service (CRS): 800-735-2929 using TTY; 800-735-2922 using voice; 800-735-0373 for CRS Customer Service; 800-855-3000 for Spanish.

Any writings or documents provided to a majority of the members of the NCTD Board of Directors regarding any item on this agenda will be made available for public inspection in the department of the Clerk of the Board located at 810 Mission Avenue, Oceanside, CA 92054, during normal business hours.



EXECUTIVE COMMITTEE REPORT

Agenda Item #
3

TITLE: BIENNIAL REVIEW OF THE CONFLICT OF INTEREST CODE

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

Approve Resolution # 10-11 adopting the Amendment of the Conflict of Interest Code, pursuant to the Political Reform Act of 1974.

**BACKGROUND
INFORMATION:**

The Political Reform Act of 1974 (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The code's objective is to prevent potential financial gain by persons holding positions of influence. Pursuant to the applicable code sections, it may be determined that certain designated employees make or participate in decisions which may have a material effect on an employee's financial interests.

NCTD's code-reviewing body is the Board of Supervisors of the County of San Diego. Pursuant to Section 87306.5 of the Political Reform Act (the "Act"), NCTD is required to:

1. Conduct a biennial review of its Conflict of Interest Code in accordance with the Act to determine if a change in the Code was necessitated by changed circumstances within the District.
2. File a statement of review with the County no later than August 31, 2010, reflecting the result of that review, if necessary.
3. Submit the amended Code to the Board of Supervisors for approval, in accordance with Government Code section 87303 by September 17, 2010.

During the review process, NCTD determined that there were changed circumstances requiring amendment of the District's Conflict of Interest Code, and accordingly notified the County. The changed circumstances include the establishment of new positions which must be designated, the revision of job titles, and the revision of Disclosure Categories listed in Attachment 3A.

After the NCTD Board approves the amendment of the Code, we will submit the amended Code to the Board of Supervisors.

ATTACHMENT: 3A – Appendix of the Conflict of Interest Code
3B – Resolution Number 10-11
3C – 2008 Appendix of the Conflict of Interest Code (for information)

BUSINESS PLAN: N/A

FISCAL IMPACT: None

**COMMITTEE
REVIEW:**
9/9/10

STAFF CONTACT: **Cathy Sweet, Manager of Budgeting and Fare Collection**
E-mail: csweet@nctd.org Phone: 760/966-6658

CONFLICT OF INTEREST CODE
OF THE
NORTH COUNTY TRANSIT DISTRICT

The Political Reform Act (Government Code section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted 2 Cal. Code of Regs. section 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 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 regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the North County Transit District (the "District").

All Officials required to submit a statement of economic interests shall file their statements with the Data Analyst as the District's Filing Officer. The Filing Officer shall make and retain a copy of all statements filed by Members of the Board and the Executive Director, and forward the originals of such statements to the Clerk of the Board of Supervisors. The Filing Officer shall retain the originals of the statements of all other Designated Employees. The Filing Officer 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
NORTH COUNTY TRANSIT DISTRICT
(Amended September 16, 2010)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. 18701(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:

Board Members and Alternates
Executive Director
Chief Financial & Administrative Officer
Financial Consultants

¹ Individuals holding one of the above-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.

DESIGNATED POSITIONS
GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Assistant Controller	5
Benefits Administrator	5
Business Applications Administrator	5
Buyer	1
Chief Engineer - Rail	2, 3, 5
Chief Information Officer	5
Chief Management Accountant	1, 2
Chief, Bus Operations, Planning & Safety	1, 2
Chief, Rail Operations	2, 3, 5
Chief, Transit Enforcement	5
Community & Governmental Affairs Specialist	1
Contracts Administrator	4
Controller	5
Data Analyst	5
Deputy Information Officer	5
Director, Service Planning	1, 2
Executive Administrator/Clerk of the Board	5
Fare Revenue Administrator	4
General Counsel	1, 2
General Services Supervisor	5
Grants Specialist	1
Human Resources Specialist	5
Intergovernmental Affairs Officer	5
Manager, Budgeting & Fare Collection	4
Manager, Business Development	1

DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Manager, Communications, Outreach & Customer Service	1
Manager, Contract Operations & Maintenance	5
Manager, Contracts & Procurement	1, 2
Manager, Human Resources	5
Manager, Maintenance-of-Way	5
Manager, Rail Services	5
Manager, Risk & Insurance	5
Manager, Service Implementation	5
Manager, Service Quality & Accessibility	2, 3, 5
Manager, System Safety & Compliance	6
Marketing Representative	5
Network Engineer	5
Quality Control Supervisor	5
Rail Mechanical Maintenance Officer	5
Real Estate Asset Administrator	1, 2
Right-of-Way Coordinator	6
Senior Contract Administrator	1, 2
Senior Graphic Communications Designer	5
Senior Programmer	5
Senior System Engineer	5

Consultant²

² Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. 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.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

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.

Category 3: All investments and business positions, 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, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions, and sources of income, including gifts, loans and travel payments, that provide services, supplies, 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, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the Designated Employee's department, unit or division.

ATTACHMENT 3B

RESOLUTION NO. 10-11

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT DISTRICT ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the Legislature of 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 North County 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 18, 2008, 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 September 16, 2010, 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 North County 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 Data Analyst and available to the public for inspection and copying;

BE IT FURTHER RESOLVED that the said amended Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective 30 days after the Board of Supervisors approves the proposed amended Code as submitted.

PASSED, APPROVED AND ADOPTED by the NORTH COUNTY TRANSIT DISTRICT this 16th day of September, 2010.

CHAIRMAN
North County Transit District

ATTEST:

CLERK OF THE BOARD
North County Transit District

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

NORTH COUNTY TRANSIT DISTRICT

(Amended September 18, 2008)

EXHIBIT "A"

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It has been determined that the positions listed below are officials who manage public investments¹:

- Board Members and Alternates
- Executive Director
- Director of Administration and Finance
- Financial Consultants

Individuals holding one of the above-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.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Accessible Services Administrator	2, 3, 6
Assistant Controller	4, 6
Benefits Administrator	6
Manager of Budgeting and Fare Collection	5
Business Applications Administrator	6
Buyer	1
Chief Information Officer	6
Chief Management Accountant	1, 2
Chief of Transit Enforcement	6
Chief Rail Engineer	2, 3, 6
Community Outreach Representative	1
Assistant Project Manager	3, 6
Contracts Administrator	5
Director of Operations	1, 2
Engineering Aide	3, 6
Environmental Project Planner	1, 2
Executive Administrator	6
Facility Maintenance Supervisor	6
Business Systems Analyst	6
General Counsel	1, 2
General Services Supervisor	6
Grants Specialist	1
Human Resources Specialist	6
Management Analyst	6
Manager of Bus Operations	6
Manager of Capital Construction	2, 3, 6
Manager of Communications & Marketing	6

DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Manager of Commuter Rail Services	6
Manager of Contracts and Procurement	1, 2
Manager of Facility Maintenance	3, 6
Manager of Accounting	4
Manager of Fleet Maintenance	6
Manager of Human Resources	6
Manager of IT Support	6
Manager of Light Rail Services	6
Manager of Maintenance-of-Way	6
Manager of Safety, Risk & Training	6
Manager of Service Implementation	6
Marketing Representative	6
Associate Planner	2, 3, 6
Manager of Rail System Safety and Compliance	7
Rail Mechanical Maintenance Officer	6
Real Estate Asset Administrator	1, 2
Fare Revenue Administrator	5
Senior Contract Administrator	1, 2
Senior Graphic Communications Designer	6
Senior Planner	2, 3, 6
Senior Systems Administrator	6
Storeroom Supervisor	6
Facility Maintenance Superintendent	6
Intergovernmental Affairs Officer	6
Consultant ²	

Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. 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.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, 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.

Category 3: All investments and business positions in, and sources of income from, business entities 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, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

Category 7: All investments and business positions in, and sources of income from, business entities subject to the regulatory, permit, or licensing authority of the Designated Employee's Department.

September 9, 2010

TO: North County Transit District Board Members

FROM: Clerk of the Board

SUBJECT: POSTING OF BOARD AGENDA

In Compliance with the Ralph M. Brown Act, As Amended, the following information is provided.

The Agenda for this meeting of the Executive Committee was posted as follows:

Meeting Date and Time: September 9, 2010; 8:00 am

Posted At: 810 Mission Avenue, Oceanside, CA

Date & Time of Posting: September 3, 2010; 5:00 p.m.

Posted By: Clerk of the Board