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## **RESOLUTION NO. 2018-20**

### **A RESOLUTION OF THE MONTEREY-SALINAS TRANSIT DISTRICT ESTABLISHING A CONFLICT- OF-INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code section 81000 et seq., requires state and local government agencies to adopt a promulgate Conflict of Interest Codes; and

WHEREAS this Resolution codifies current conflict-of-interest requirements for Monterey-Salinas Transit District and provides means to further promote disclosure of conflicts and sets forth disqualification procedures for the district;

THEREFORE, BE IT RESOLVED. the Board of Directors of Monterey-Salinas Transit does resolve:

The Political Reform Act of 1974 requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (FPPC) has adopted a regulation, Section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code that can be incorporated by reference in an agency's code. The terms of Section 18730, and any amendments to it duly adopted by the FPPC, are hereby incorporated by reference. This regulation shall constitute the Conflict-of-Interest Code (Code) of the Monterey-Salinas Transit District (District).

Individuals holding designated positions shall file their statement of economic interests with the District Secretary who will make the statements available for public inspection and reproduction pursuant to Government Code §81008. The district's jurisdiction (jurisdiction) is wholly within the County of Monterey.

#### **A. Designation of Employees and Disclosure Categories**

Persons holding positions that make or participate in making decisions are listed in Section C and are "designated employees" for the purposes of this Code. These positions involve voting on matters, approving a budget, negotiating contracts, or making recommendations on purchases without substantive review.

A primary purpose of the Code is to require disclosure of those types of investments, interests in real property, sources of income and business positions held by designated positions that may affect their decision-making. The disclosure categories set forth in Section D of this Code specify the kinds of financial interests that are reportable.

#### **B. Filing of Statements of Economic Interests**

Designated employees shall file Statements of Economic Interest (Statements or Fonn 700) with the Clerk of the District Board (Clerk). The Clerk shall make and retain a copy of the Statements.

of the members and alternates of the District Board of Directors and all other designated employees.

## C. Designated Positions

All public officials, employees, and contractors holding the following designated positions shall file a Fonn 700 as provided in this Code. The applicable disclosure category is shown as a numeral (1) or (2) before the listed position.

### Public Officials

- 1 Board Members and Alternates
- 2 Members of MST advisory or oversight Committees, as appropriate\*

### MST Staff and Consultants\*\*

General Manager

Assistant General Manager

Chief Operations Officer ~~Deputy Chief Operations Officer~~

Director of Human Resources and Risk Management

Director of Planning and ~~Marketing~~ Innovation **Director of Planning and Innovation**

~~Director of Information Technology~~ **Chief Information Officer**

~~Executive Assistant to the General Manager/Clerk of the Board~~

~~Purchasing Manager~~ **Purchasing Agent**

~~Marketing and Customer Services Manager~~ **Marketing Communications Manager**

~~Compliance Analyst~~ **Civil Rights Officer**

~~Accounting Budget Manager~~ **Finance Manager**

~~Business and Development Planner~~ **Planning Manager**

~~Capital Improvements Projects Manager~~ **Project Management Coordinator**

Grants Analyst

### NEW POSITIONS

**Maintenance Manager**

**Transportation Manager**

**Contract Services**

**Manager**

**Facilities Manager**

### General Counsel

- 1 General Counsel
- 1 Assistant or Alternate General Counsel

\*Unsalaries members of the district's advisory and oversight committees will be required to file Statements only if the committee makes or participates in making governmental decisions as provided in Title 2, California Code of Regulations, Section 18700.

## D. Disclosure Categories

When an individual who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which 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.

When an individual who holds a designated position is required to disclose sources of income, he or she shall include gifts received from donors located inside as well as outside of the jurisdiction.

When an individual who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below if it is located within the jurisdiction, 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.

When an individual who holds a designated position is required to disclose a business position, he or she shall disclose positions in business entities 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.

For purposes of this Code, the jurisdiction of the district is the area of the County of Monterey within the District boundaries.

#### **Category 1**

A designated position in this category must report all investments; business positions; interests in real property; and sources of income, including gifts, loans, and travel payments.

#### **Category 2**

A designated position in this category must report all investments; business positions; and sources of income, including gifts, loans, and travel payments.

#### **Category 3**

A designated position in this category must report all investments; business positions and income; including gifts, loans, and travel payments from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the district.

#### **Category 4**

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to supply materials, products, supplies, commodities, services, machinery, vehicles, or equipment utilized by the district.

#### **Category 5**

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to receive grants or other monies from or through the district.

#### **Category 6**

A designated position in this category must report all investments; business positions in business entities and income; including gifts, loans, and travel payments from sources that provide information technology and telecommunications goods, products or services, including but not limited to, computer hardware or software companies, computer consultant services, training, data processing firms, and media services. \*\*Consultants/New Positions shall disclose pursuant to the broadest disclosure category, subject to the following limitation:

The District General Manager or his/her designee may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the District General Manager or his/her designee is a public record and shall be retained for public inspection in the same manner and location as this Code. (Gov. Code§ 81008.)

Consultant means an individual who, pursuant to a contract with a state or local governmental agency, makes a governmental decision as provided in Title 2, California Code of Regulations, Section 18700 or serves in a staff capacity with the District and in that capacity performs the same or substantially the same duties for the District that would otherwise be performed by an individual holding a designated position specified in this Code.

BE IT FURTHER RESOLVED that this Resolution and Conflict of interest Code shall become effective on the thirtieth day following passage and adoption hereof.

THE BOARD OF DIRECTORS OF MONTEREY-SALINAS TRANSIT  
PASSED AND ADOPTED RESOLUTION 2018-20 this 12th day of March, 2018.

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Tony Barrera  
Chairperson

Carl G. Sedoryk  
Secretary

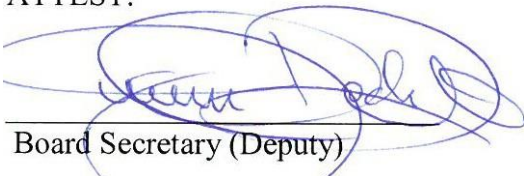
PASSED AND ADOPTED BY THE MONTEREY-SALINAS TRANSIT BOARD OF  
DIRECTORS THIS 12th day of March 2018, by the following vote:

AYES:

NOES:

ABSENT: Directors: Clark, Velazquez

ATTEST:



Board Secretary (Deputy)