



Date: September 5, 2012

To: GCT Board of Directors

From: Steve L. Rosenberg *SLR*
Director of Administrative Services

RE: Consider Approval of Resolution 2012-11, to Revise Gold Coast Transit's Conflict of Interest Code

I. EXECUTIVE SUMMARY

The Board of Directors last updated the agency's Conflict of Interest Code (COIC) on Board Resolution 2000-07 in October of 2000. There are two issues that require clarification; as a result staff proposes Board Resolution 2012-11 to amend GCT's COIC to address these issues.

The existing COIC refers to the agency by its former name, South Coast Area Transit (SCAT). Board Resolution 2012-11 addresses this issue. The existing COIC states that Statements of Economic Interest for persons holding designated positions at GCT "shall be retained within the agency." This is in conflict with current practice, which is to file such statements with the Ventura County Clerk of the Board of Supervisors. According to the Clerk's office, this practice has been in place since at least 2002. Board Resolution 2012-11 addresses this issue by making the COIC consistent with recent and current practice.

Additionally, Exhibit "A" has been revised from its most recent update by revising the job title of GCT's procurement officer from the former title of Buyer/DBE Officer to the recently revised title of Purchasing Manager/DBE Officer, as well as restoring and revising language that existed on previous versions of Exhibit "A" addressing filing by Board Members and consultants. Exhibit "B" has been revised from its most recent update by making certain language specific to GCT.

II. SUMMARY AND RECOMMENDATIONS

It is recommended that the Board Approve Resolution 2012-11, to Revise Gold Coast Transit's Conflict of Interest Code

Concurrence:



Steven P. Brown
General Manager

Concurrence:

Nancy Kierstyn Schreiner
General Counsel

RESOLUTION NO. 2012-11
A RESOLUTION OF THE BOARD OF DIRECTORS OF GOLD COAST
TRANSIT AMENDING THE CONFLICT OF INTEREST CODE
FOR GOLD COAST TRANSIT

RESOLVED THAT the Board of Gold Coast Transit (GCT) hereby amends its previous Conflict of Interest Code in its entirety, amending it as follows.

BE IT FURTHER RESOLVED that the Political Reform Act, Government Code section 81000 et seq., requires local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (Title 2, California Code of Regulations section 18730) which contains the terms of a standard Conflict of Interest Code ("Standard Code"), which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

BE IT FURTHER RESOLVED The terms of California Code of Regulations, Title 2, section 18730 and any amendment to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference as the Conflict of Interest Code for Gold Coast Transit, and along with the attached Exhibit A, which designates positions requiring disclosure and Exhibit B, which sets forth disclosure categories, constitute the Conflict of Interest Code for Gold Coast Transit.

BE IT FURTHER RESOLVED that the Ventura County Board of Supervisors is the code reviewing body for the Gold Coast Transit Conflict of Interest Code. Pursuant to Section 4 of the Standard Code, persons holding positions designated in Exhibit A shall file statements of economic interests covering the disclosure categories designated for their respective position directly with the Ventura County Clerk of the Board of Supervisors, which shall retain the original statements.

Passed and adopted this 12th day of September, 2012

Bryan A. MacDonald
Board Chair

ATTEST:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Board of Directors of Gold Coast Transit at a regular meeting thereof held on the 12th day of September, 2012.

Steven P. Brown
Secretary of the Board

**CONFLICT OF INTEREST CODE
FOR GOLD COAST TRANSIT
EXHIBIT A
DESIGNATED POSITIONS**

<u># OF POSITIONS</u>	<u>POSITION TITLE</u>	<u>DISCLOSURE CATEGORY</u>
1	General Manager	1
1	Director of Administrative Services	1
1	Director of Transit Operations	1
1	Director of Planning and Marketing	1
1	Director of Fleet and Facilities	1
1	Purchasing Manager / DBE Officer	1
1	General Counsel	1
—	—	—
	Officials	*
	Consultants	**

*** Officials Who Manage Public Investments:**

It has been determined that GCT Board Members and their duly appointed alternates are "other public officials who manage public investments" within the meaning of Government Code Section 87200 and are thus required to file Statements of Economic Interest with the County Clerk, Ventura County, pursuant to Section 87200 et seq. Thus, their positions are not designated in this code.

**** Consultants**

Consultants, as defined by Title 2, California Code of Regulations section 18701(a)(2), shall disclose pursuant to the broadest disclosure category in this code subject to the following limitation: The General Manager may determine in writing that a particular consultant, 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 duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and is to be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Title 2, California Code of Regulations Section 18701(a)(2) reads as follows:

"Consultant" means an individual who, pursuant to a contract with a state or local government agency:

(A) Makes a governmental decision whether to:

(i) Approve a rate, rule, or regulation;

(ii) Adopt or enforce a law;

(iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;

**CONFLICT OF INTEREST CODE
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(iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;

(v) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract; (vi) Grant agency approval to a plan, design, report, study, or similar item;

(vii) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Government Code section 87302.

**CONFLICT OF INTEREST CODE
FOR GOLD COAST TRANSIT**

Exhibit B
Disclosure Categories

Subject to the definitions set forth in the Political Reform Act and applicable regulations:

Category 1 – BROADEST DISCLOSURE

- (1) All sources of income including gifts, loans and travel payments;
- (2) All interests in real property; and
- (3) All investments and business positions in business entities.

Category 2 – REAL PROPERTY

All interests in real property.

Category 3 – LAND DEVELOPMENT AND TRANSACTION

All investments, business positions and income including gifts, loans and travel payments, from sources of the type which engage in land development, construction, or acquisition or sale of real property.

Category 4 – PROCUREMENT

All investments, business positions and income including gifts, loans and travel payments, from sources of the type which provide services, facilities, supplies, materials, machinery or equipment of the type utilized by Gold Coast Transit.

Category 5 – PROCUREMENT – DEPARTMENT/AGENCY-SPECIFIC

All investments, business positions and income including gifts, loans and travel payments, from sources of the type which provide services, facilities, supplies, materials, machinery or equipment of the type utilized by Gold Coast Transit.

Category 6 – REGULATION AND PERMITTING

All investments, business positions and income including gifts, loans and travel payments, from sources of the type which are subject to the regulatory, permitting or licensing authority of, or have an application or license pending before Gold Coast Transit.

Category 7 – FUNDING

All investments, business positions and income including gifts, loans and travel payments, from sources of the type which receive grants or other monies from or through Gold Coast Transit.