

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 2.7
(ID # 13656)

MEETING DATE:
Tuesday, December 08, 2020

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amended Conflict of Interest Code of the SunLine Transit Agency, All Districts [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Amended Conflict of Interest Code of the SunLine Transit Agency; and
2. Direct the Clerk of the Board to notify the SunLine Transit Agency of the action taken.

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: December 8, 2020
xc: Co.Co., Agency, COBcm

Kecia R. Harper
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	N/A	N/A	N/A	N/A
NET COUNTY COST	N/A	N/A	N/A	N/A
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Summary

The Political Reform Act prohibits a public official from using his or her position to influence a government decision in which he or she has a financial interest. Government Code section 87300 requires local government agencies to adopt and promulgate a Conflict of Interest Code identifying officials and employees required to file statements of economic interest based on the positions they hold. A local government agency, as defined by Government Code section 82041, includes the SunLine Transit Agency.

Each even-numbered year, Government Code section 87306.5 requires local government agencies to review their Conflict of Interest Code, make appropriate revisions, if necessary, and submit an amended Conflict of Interest Code to the code reviewing body. Government Code section 82011(b) identifies the Board of Supervisors for the County of Riverside as the code reviewing body for a local government agency within its county.

The Board of Directors of the SunLine Transit Agency recently adopted Resolution No. 0782 amending its Conflict of Interest Code on September 23, 2020 to revise titles of existing positions and delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions. The SunLine Transit Agency has submitted its amended Conflict of Interest Code for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the Conflict of Interest Code of the SunLine Transit Agency and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the SunLine Transit Agency is attached.

It is recommended that the Board of Supervisors approve the amended Conflict of Interest Code of the SunLine Transit Agency, and direct the Clerk of the Board to notify the SunLine Transit Agency of the action taken.

ATTACHMENTS

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

ATTACHMENT A: RESOLUTION NO. 0782 AND CONFLICT OF INTEREST CODE OF
THE SUNLINE TRANSIT AGENCY



Gregory V. Priamos, Director County Counsel 11/24/2020

SUNLINE TRANSIT AGENCY

RESOLUTION NO. 0782

RESOLUTION ADOPTING SUNLINE TRANSIT AGENCY'S CONFLICT OF INTEREST CODE

WHEREAS, the County of Riverside and the Coachella Valley cities comprising the joint powers agency known as SunLine Transit Agency ("SunLine") is a local government agency required by Government Code Section 87300 to promulgate a Conflict of Interest Code; and

WHEREAS, the Political Reform Act, Government Code sections 81000, et seq., requires local agencies to review their conflict of interest codes in even numbered years and make any amendments that are necessary; and

WHEREAS, the Fair Political Practices Commission has adopted a provision at Title 2, section 18730 of the California Code of Regulations which sets forth the terms of a standard model conflict of interest code which may be incorporated by reference so as to constitute the adoption of a Conflict of Interest Code by SunLine; and

WHEREAS, the provisions of Title 2, section 18730 of the California Code of Regulations require local agencies to prepare a list of designated employees that are required to file a statement of economic interest and the formulation of disclosure categories for such employees; and

WHEREAS, the SunLine Board of Directors previously adopted the provisions of Title 2, section 18730 of the California Code of Regulations as SunLine's Conflict of Interest Code through Ordinance No. 2018-01, which included a list of designated employees that must file statements of economic interests as Appendix A and disclosure categories in Appendix B; and

WHEREAS, the SunLine Board of Directors desires to adopt SunLine Transit Agency's Conflict of Interest Code pursuant to this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of SunLine Transit Agency that a Conflict of Interest Code is adopted as follows:

FORM APPROVED COUNTY COUNSEL

BY:


DANIELLE D. MALAND

CONFLICT OF INTEREST CODE

A. Code Adopted. The terms of Title 2, section 18730 of the California Code of Regulations as presently constituted or amended by the FPPC are hereby incorporated by reference to operate, along with the balance of this Resolution, as the Conflict of Interest Code for SunLine Transit Agency. The disclosure categories attached in Appendices A and B and the provisions of this Resolution, constitute the Conflict of Interest Code of SunLine Transit Agency.

B. Filing. Pursuant to Title 2, section 18730(b)(4) of the California Code of Regulations, those employees designated in Appendix A shall file statements of economic interest with the Clerk of the Board to whom the Board of Directors of SunLine Transit Agency hereby delegates the authority to carry out the duties of filing officer.

C. Public Investments. Those persons who manage public investments and are covered by Title 2, section 18720 of the California Code of Regulations will file statements of economic interests pursuant to Government Code section 87200 as required by the FPPC instead of being deemed to be designated by this Conflict of Interest Code.

D. Prohibition Concerning Prospective Employment. No SunLine employee shall make, participate in making, or otherwise use his or her official position to influence any governmental decision directly relating to any person with whom he or she is negotiating or has any arrangement concerning, prospective employment. For purposes of this resolution, the term "person" includes any natural person, corporation or other form of business entity and extends to any of its agents.

E. Federal Transit Administration Requirements. In addition to the Ethics Policy adopted by the Board of Directors, the following shall further apply as written standards of conduct applicable to SunLine's employees and Board of Directors:

1. No employee, officer, agent, immediate family member, or Board member of SunLine shall participate in the selection, award, or administration of a contract supported by FTA funds if a conflict of interest, real or apparent, would be involved.
2. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award:
 - (a) The employee, officer, agent, or Board member,
 - (b) Any member of his/her immediate family,
 - (c) His or her partner, or
 - (d) An organization that employs, or is about to employ, any of the above.

3. SunLine's officers, employees, agents, or Board members shall neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements.

APPENDIX A

The following designated employees make or participate in the making of decisions, which may have a material effect on a financial interest:

<u>Designated Positions</u>	<u>Disclosure Category</u>
CEO/General Manager	I, II, III
Chief Financial Officer	I, II, III
Deputy Chief Financial Officer	I, II, III
Chief Performance Officer	I, II, III
Deputy Chief Performance Officer	I, II, III
Chief of Human Relations	I, II, III
Chief Transportation Officer	I, II, III
Deputy Chief Transportation Officer	I, II, III
Chief Maintenance Officer	I, II, III
Deputy Chief Maintenance Officer	I, II, III
Chief Safety Officer	I, II, III
Deputy Chief Safety Officer	I, II, III
Taxi Administrator	I, II, III
Superintendent of Safety and Training	I, II, III
Superintendent of Transportation	I, II, III
Superintendent of Fleet Maintenance	I, II, III
Superintendent of Facilities Maintenance	I, II, III
Clerk of the Board	I, II, III
Assistant Clerk of the Board	I, II, III
Compliance/Eligibility Officer	I, II, III

<u>Designated Positions</u>	<u>Disclosure Category</u>
Human Resources Manager	I, II, III
Alternative Fuels Manager	I, II, III
Procurement Manager	I, II, III
Contracts Administrator	I, II, III
Contracts Assistant	I, II, III
IT Administrator	I, II, III
Assistant IT Administrator	I, II, III
Fuel Systems Specialist II	I, II, III
Materials & Inventory Manager	I, II, III
Materials Inventory Technician	I, II, III
Project Manager	I, II, III
Project Manager Assistant	I, II, III
Facilities Engineer	I, II, III
Marketing & Events Manager	I, II, III
Consultants ¹	I, II, III
Any other employee at the discretion of the CEO/General Manager	I, II, III

¹ 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 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 General 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.

APPENDIX B

CATEGORY NO. I: INTERESTS IN REAL PROPERTY

Category I relates to real property which is located in part or in whole in the jurisdiction of SunLine. As used in this section "jurisdiction" includes: (1) within the jurisdictional boundaries of SunLine Transit Agency ("SunLine"), (2) within two miles of the jurisdictional boundaries of SunLine, or (3) within two miles of land located outside of the jurisdictional boundaries of SunLine Transit Agency which is owned or used by SunLine.

Category I, "interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is two thousand dollars (\$2,000) or more. Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest of greater. The \$2,000 threshold referenced in this category applies to the value of the interest, not to the value of the property itself.

The terms "interest in real property" and "leasehold interest" does not include the interest of a tenant in a periodic tenancy of one month or less.

CATEGORY NO II: PERSONAL INCOME

Category II relates to income. "Income" means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater.

(a) "Income," other than a gift, does not include income received from any source outside the jurisdiction of SunLine, not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this Code. For purposes of this category, "jurisdiction" is limited to the jurisdictional boundaries of SunLine and does not include any radius around it.

(b) "Income" also does not include:

(1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100 of the Government Code).

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

(3) Any devise or inheritance.

(4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

(5) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

(A) The loan is secured by the principal residence of the employee; or

(B) The balance owed does not exceed ten thousand dollars (\$10,000).

(9) Any loan from or payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan or loan payment received from any such person shall be considered income if he or she is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed ten thousand dollars (\$10,000).

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.

CATEGORY NO. III: BUSINESS ENTITIES

Category III relates to business entities, including parents, subsidiaries or otherwise related business entities, which (1) have an interest in real property located in part or in whole within the jurisdictional boundaries of SunLine, within two miles thereof or within two miles of land owned or used by SunLine, (2) do business or plan to do business within the jurisdictional boundaries of SunLine or (3) have done business within the jurisdictional boundaries of SunLine at any time during the two years prior to the time that the disclosure statement of the relevant designated employee is filed. "Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

Category III includes any investment in a business entity. Investment means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the filer, or his or her immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially a 10-percent interest or greater.

Category III includes the disclosure of any business position held by the filer. "Business position" means any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction or has done business in the jurisdiction at any time during the two years prior to the date the statement is required to be filed.

ADOPTED THIS 23rd DAY OF SEPTEMBER, 2020

ATTEST:

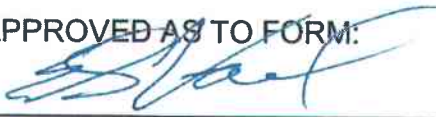


Brittney B. Sowell
Clerk of the Board
SunLine Transit Agency



Robert Radi
Chairperson of the Board
SunLine Transit Agency

APPROVED AS TO FORM:



General Counsel
Eric Vail

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, BRITTNEY B. SOWELL, Clerk of the Board of Directors of the SunLine Transit Agency, do hereby certify that Resolution No. 0782 was adopted at a regular meeting of the Board of Directors held on the 23rd day of September, 2020, by the following vote:

AYES: 10

NOES: Ø

ABSENT: Ø

ABSTAIN: Ø

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of September, 2020.


Brittney B. Sowell
Clerk of the Board
SunLine Transit Agency

APPENDIX A – REDLINED COPY

The following designated employees make or participate in the making of decisions, which may have a material effect on a financial interest:

<u>Designated Positions</u>	<u>Disclosure Category</u>
CEO/General Manager	I, II, III
Chief Financial Officer	I, II, III
Deputy Chief Financial Officer	I, II, III
Deputy Chief Financial Services	I, II, III
Chief Performance Officer	I, II, III
Deputy Chief Performance Officer	I, II, III
<u>Chief of Human Relations</u>	<u>I, II, III</u>
Chief Administrative Officer	I, II, III
Deputy Chief Administrative Officer	I, II, III
<u>Chief Transportation Officer</u>	<u>I, II, III</u>
<u>Deputy Chief Transportation Officer</u>	<u>I, II, III</u>
<u>Chief Maintenance Officer</u>	<u>I, II, III</u>
<u>Deputy Chief Maintenance Officer</u>	<u>I, II, III</u>
Chief Operations Officer	I, II, III
Deputy Chief Operations Officer – Transportation	I, II, III
Deputy Chief Operations Officer – Maintenance	I, II, III
Chief Safety Officer	I, II, III
Deputy Chief Safety Officer	I, II, III
Taxi Administrator	I, II, III
<u>Superintendent of Safety and Training</u>	<u>I, II, III</u>

Designated Positions Disclosure Category

~~Deputy Taxi Administrator~~ I, II, III

Superintendent of Transportation I, II, III

~~Maintenance~~ Superintendent of Fleet Maintenance I, II, III

~~Facilities Maintenance Superintendent~~ I, II, III

Superintendent of Facilities Maintenance I, II, III

Clerk of the Board I, II, III

Assistant Clerk of the Board I, II, III

Compliance/Eligibility Officer I, II, III

Human Resources Manager I, II, III

Alternative Fuels Manager I, II, III

Procurement Manager I, II, III

Contracts Administrator I, II, III

Contracts Assistant I, II, III

IT Administrator I, II, III

Assistant IT Administrator I, II, III

Fuel Systems Specialist II I, II, III

Materials & Inventory Manager I, II, III

Materials Inventory Technician I, II, III

Project Manager I, II, III

Project Manager Assistant I, II, III

Facilities Engineer I, II, III

~~Public Outreach Specialist~~ I, II, III

Marketing & Events Manager I, II, III

Consultants¹

I, II, III

Any other employee at the
discretion of the CEO/General Manager

I, II, III

¹ 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 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 General 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.