



SunLine Transit Agency
January 24, 2024
11:35 a.m. – 11:50 a.m.

AGENDA

BOARD OPERATIONS COMMITTEE

Wellness Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276

NOTICE TO THE PUBLIC

SunLine has discontinued its COVID-19 Emergency Declaration and has returned its Board and Board Committee meetings to live and in-person attendance at the location noted above. These meetings are no longer available for viewing, attendance, or comment by two-way audiovisual platform, two-way telephonic service, webcasting, or streaming video broadcast. SunLine may prepare audio or video recordings of Board meetings. In accordance with the Brown Act and California Public Records Act, these recordings are subject to public inspection for a period for thirty (30) days after the meeting.

In compliance with the Brown Act, agenda materials distributed 72 hours or less prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to or at the meeting at SunLine Transit Agency's Administration Building, 32505 Harry Oliver Trail, Thousand Palms, CA 92276 and on the Agency's website, www.sunline.org.

In compliance with the Americans with Disabilities Act, Government Code Section 54954.2, and the Federal Transit Administration Title VI, please contact the Clerk of the Board at (760) 343-3456 if special assistance is needed to participate in a Board meeting, including accessibility and translation services. Notification of at least 72 hours prior to the meeting time will assist staff in assuring reasonable arrangements can be made to provide assistance at the meeting.

ITEM

RECOMMENDATION

1. CALL TO ORDER
2. FLAG SALUTE
3. ROLL CALL
4. PRESENTATIONS

ITEM

RECOMMENDATION

5. FINALIZATION OF AGENDA

6. PUBLIC COMMENTS

RECEIVE COMMENTS

NON AGENDA ITEMS

Members of the public may address the Committee regarding any item within the subject matter jurisdiction of the Committee; however, no action may be taken on off-agenda items unless authorized. Comments shall be limited to matters not listed on the agenda. Members of the public may comment on any matter listed on the agenda at the time that the Board considers that matter. Comments may be limited to 3 minutes in length.

7. COMMITTEE MEMBER COMMENTS

RECEIVE COMMENTS

8. **APPROVE RESOLUTION NO. 0805 TO AMEND
THE CONFLICT OF INTEREST CODE**
(Staff: Edith Hernandez, Clerk of the Board)

APPROVE
(PAGE 3-16)

9. ADJOURN

SunLine Transit Agency

DATE: January 24, 2024 **ACTION**

TO: Board Operations Committee
Board of Directors

FROM: Edith Hernandez, Clerk of the Board

RE: Approve Resolution No. 0805 to Amend the Conflict of Interest Code

Recommendation

Recommend that the Board of Directors approve Resolution No. 0805 which updates Appendix A of SunLine Transit Agency's Conflict of Interest Code to account for the addition, deletion, and modification of positions listed as designated employees.

Background

Under the Political Reform Act, local public agencies are required to review and update, if necessary, their Conflict of Interest Codes including the listings of designated positions for employees who must disclose along with the types of disclosures required. The SunLine Transit Agency Conflict of Interest Code establishes substantive requirements for the disclosure of financial interests and disqualification of employees and other officials from participation in decisions in which they might have a private, financial interest. Upon review by the SunLine Board of Directors, the amended copy is sent to the County of Riverside Board of Supervisors which serves as the local code reviewing body.

Resolution No. 0805 requests an update to Appendix A which has been amended to include titles that have been revised due to position reclassifications. The list of covered positions has been updated to reflect those changes. There are no changes to any other aspects of the Conflict of Interest Code.

Financial Impact

No financial impact.

Attachment:

- [Item 8a](#) – Resolution No. 0805
- [Item 8b](#) – Redlined copy of Appendix A

SUNLINE TRANSIT AGENCY

RESOLUTION NO. 0805

RESOLUTION AMENDING 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 Code 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 SunLine's Conflict of Interest Code through Resolution No. 0782, 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 amend SunLine Transit Agency's Conflict of Interest Code to reflect the reclassification of personnel 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 amended to read as follows:

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 sub-agreements.

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 of Financial Services	I, II, III
Deputy Chief of General Services	I, II, III
Chief of Human Relations	I, II, III
Deputy Chief of Human Relations	I, II, III
Chief Administrative Officer	I, II, III
Chief Planning & Development Officer	I, II, III
Deputy Chief of Service Delivery	I, II, III
Deputy Chief of Project Delivery	I, II, III
Chief Transportation Officer	I, II, III
Deputy Chief of Transit Operation	I, II, III
Deputy Chief of Transit System & Technology	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 Zero Emission Technology	I, II, III

<u>Designated Positions</u>	<u>Disclosure Category</u>
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
Alternative Fuels Manager	I, II, III
Financial Accounting & Reporting Manager	I, II, III
Procurement Specialist	I, II, III
Contracts Administrator	I, II, III
Materials Inventory Technician	I, II, III
Manager of Schedules & Performance	I, II, III
Planning Manager	I, II, III
Principal/Senior Project Manager	I, II, III
Project Manager	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 24TH DAY OF JANUARY, 2024

ATTEST:

Edith Hernandez
Clerk of the Board
SunLine Transit Agency

Lisa Middleton
Chairperson of the Board
SunLine Transit Agency

APPROVED AS TO FORM:

General Counsel
Eric Vail

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, Edith Hernandez, Clerk of the Board of Directors of the SunLine Transit Agency, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Board of Directors held on the _____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 20__.

Edith Hernandez
Clerk of the Board
SunLine Transit Agency

APPENDIX A

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<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
<u>Deputy Chief of Financial Services</u>	<u>I, II, III</u>
<u>Deputy Chief of General Services</u>	<u>I, II, III</u>
Chief Performance Officer	I, II, III
Deputy Chief Performance Officer	I, II, III
Chief of Human Relations	I, II, III
<u>Deputy Chief of Human Relations</u>	<u>I, II, III</u>
<u>Chief Administrative Officer</u>	<u>I, II, III</u>
<u>Chief Planning & Development Officer</u>	<u>I, II, III</u>
<u>Deputy Chief of Service Delivery</u>	<u>I, II, III</u>
<u>Deputy Chief of Project Delivery</u>	<u>I, II, III</u>
Chief Transportation Officer	I, II, III
Deputy Chief Transportation Officer	I, II, III
<u>Deputy Chief of Transit Operation</u>	<u>I, II, III</u>
<u>Deputy Chief of Transit System & Technology</u>	<u>I, II, III</u>
Chief Maintenance Officer	I, II, III

<u>Designated Positions</u>	<u>Disclosure Category</u>
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
<u>Superintendent of Zero Emission Technology</u>	<u>I, II, III</u>
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
Human Resources Manager	I, II, III
Alternative Fuels Manager	I, II, III
<u>Financial Accounting & Reporting Manager</u>	<u>I, II, III</u>
Procurement Manager	I, II, III
<u>Procurement Specialist</u>	<u>I, II, III</u>
Contracts Administrator	I, II, III
Contracts Assistant	I, II, III
IT Administrator	I, II, III
Assistant IT Administrator	I, II, III

<u>Designated Positions</u>	<u>Disclosure Category</u>
Fuel Systems Specialist II	I, II, III
Materials & Inventory Manager	I, II, III
Materials Inventory Technician	I, II, III
<u>Manager of Schedules & Performance</u>	<u>I, II, III</u>
<u>Planning Manager</u>	<u>I, II, III</u>
<u>Principal/Senior Project Manager</u>	<u>I, II, III</u>
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.