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THOMAS J. PASTUSZKA
CLERK OF THE BOARD

**2010 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM**

Contact Person: Valerie Vizkeleti Telephone Number: (619) 557-4515

Name of Agency: Metropolitan Transit System

Mailing Address 1255 Imperial Ave., San Diego, CA 92101

This agency has reviewed its conflict of interest code and has determined that:

Amendments are necessary: (Attach Amended Code)
(Check all that applies)

Include new positions (including consultants) which must be designated

Revise the titles of existing positions

Delete titles of positions that have been abolished

Delete positions that manage public investments

Revise disclosure categories

Other _____

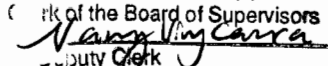
No amendments are necessary. Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer:  Date: 8/27/10

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than August 31, 2010 to:**

**Clerk of the Board of Supervisors
(Conflict of Interest Code)**

**1600 Pacific Highway, Room 402
San Diego, CA 92101**

Authorized by the Board
of Supervisors of the County of San Diego
Date 10/19/10 Minute Order No. 1
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

Deputy Clerk

APPENDIX

CONFLICT OF INTEREST CODE OF THE METROPOLITAN TRANSIT SYSTEM

(Amended September 23, 2010)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

MTS Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to MTS'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 of Directors and Alternates

Chief Executive Officer

Chief Financial Officer

Investment Consultant

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>
Administrative Assistant/Copy Center Coordinator	4
Advertising Specialist	5
Assistant Budget Manager	1, 2
Assistant Director – Transit System Security	5
Assistant Technology Officer	5
Assistant Transportation Operations Specialist	2, 5
Budget Manager	1, 2
Business Systems Analyst	5
Buyer	4
Chief Operating Officer – Rail	1
Chief Operating Officer – Transit Services	1
Chief Technology Officer	5
Communications Design Manager	5
Communications Designer	5
Contract Services Administrator	5
Controller	1, 2
Director of Governmental Affairs & Community Relations	1
Director of Human Resources and Labor Relations	5
Director of Maintenance	5
Director of Marketing & Communications	5

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Director of Planning & Scheduling	1, 2
Director of Transit System Security	5
Director of Transportation	1
General Counsel	1, 2
Liability Claims Adjuster	1, 2
Loss Prevention Manager	5
Manager of Capital Projects	1, 2
Manager of Facilities	5
Manager of Human Resources	5
Manager of Marketing	5
Manager of Procurement	4
Manager of Real Estate Assets	1, 2
Media & Communications Specialist	5
Network Operations Manager	5
Performance Monitoring Specialist	2, 4
Principle Contract Administrator	4
Project Engineer	1, 2
Regulatory Enforcement Supervisor	6
Revenue Manager (ALL)	5
Right-of-Way Agent	1, 2
Right-of-Way Engineer	1, 2

DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Risk & Claims Manager	5
Senior Transportation Planner	1, 2
Software Development Manager	5
Storeroom Manager	4
Superintendent of LRV Maintenance	5
Superintendent of Transportation	5
Superintendent of Wayside Maintenance	5
Taxicab Administration Manager	5
Transit Operations Technician	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 Chief Executive Officer 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 Chief Executive Officer'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 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 MTS.

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 MTS.

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 MTS.

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 MTS.

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.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 10-22

Resolution of the Board of Directors of the Metropolitan Transit System Adopting an Amended Appendix to the 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 that potentially affect all officers, employees, and consultants of the Metropolitan Transit System ("MTS") 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 October 16, 2008, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within MTS have made it advisable and necessary pursuant to sections 87306 and 87307 of the Act to amend and update MTS'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 MTS 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 Appendix was provided to each affected designated employee and publicly posted for review; and

WHEREAS, a public meeting was held upon the proposed amended Appendix at a regular meeting of the Board of Directors on September 23, 2010, at which time all present were given an opportunity to be heard on the proposed amended Appendix.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by a vote of two-thirds or more of all of the members of the San Diego Metropolitan Transit System Board of Directors as follows:

1. The Board of Directors does hereby adopt the proposed amended Appendix to the Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the General Counsel and available to the public for inspection and copying.
2. The said amended Appendix to the Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Diego for approval.
3. The said amended Appendix to the Conflict of Interest Code shall become effective 30 days after the Board of Supervisors approves the proposed amended Appendix as submitted.

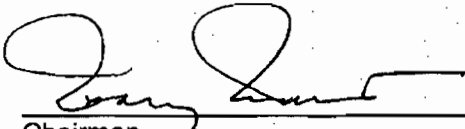
PASSED AND ADOPTED this 23rd day of September 2010.

AYES: Ewin, Janney, Lightner, Mathis, McClellan, Ovrorn, Selby, Van Deventer, and Young

NAYS:

ABSENT: Cunningham, Emerald, Gloria, Castaneda, Roberts, and Ryan

ABSTAINING:



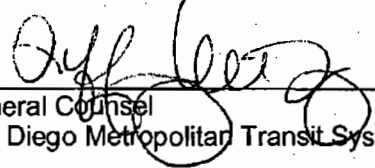
Chairman
San Diego Metropolitan Transit System

Filed by:



Clerk of the Board
San Diego Metropolitan Transit System

Approved as to form:



General Counsel
San Diego Metropolitan Transit System

SEPT23-10.8.AttA.RESO 10-22.
COI.TLORENZEN.DOC

Attachment: Proposed Amended Appendix to the Conflict of Interest Code

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

APPENDIX

CONFLICT OF INTEREST CODE
OF THE
METROPOLITAN TRANSIT SYSTEM

(Amended ~~October 16, 2008~~ September 23, 2010)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

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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>
ADA Manager	6
<u>Advertising Specialist</u>	<u>5</u>
Assistant Budget Manager	1, 2
Assistant Director – Transit System Security	<u>65</u>
<u>Assistant Technology Officer</u>	<u>5</u>
Assistant Transportation Planner Operations Specialist	2, <u>65</u>
Associate Transportation Planner <u>Transit Operations Technician</u>	2, <u>65</u>
Budget Manager	1, 2
<u>Business Systems Analyst</u>	<u>5</u>
Buyer	<u>54</u>
Chief Operating Officer – Rail	1
Chief Operating Officer – Transit Services	1
Chief Technology Officer	<u>65</u>
Communications Design Manager	<u>65</u>
Communications Designer	<u>65</u>
Contract Services Administrator	<u>65</u>
Controller	1, 2
<u>Administrative Assistant</u> /Copy Center Coordinator	<u>54</u>
Director of Governmental Affairs & Community Relations	1

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Director of Human Resources and Labor Relations	<u>65</u>
Director of Maintenance	<u>65</u>
Director of Marketing & Communications	<u>65</u>
Director of Planning & Scheduling	1, 2
Director of Transit System Security	<u>65</u>
Director of Transportation	1
Engineering Liaison /Project Engineer	1, 2
General Counsel	1, 2
Liability Claims Adjuster	1, 2
<u>Manager of Capital Projects</u>	<u>1, 2</u>
Manager of Facilities	<u>65</u>
Manager of Human Resources	<u>65</u>
Manager of Marketing	<u>65</u>
Manager of Procurement	<u>54</u>
Manager of Real Estate Assets	1, 2
Media & Communications Specialist	<u>65</u>
Network Operations Manager	<u>65</u>
Performance Monitoring Specialist	2, <u>54</u>
Principle Contract Administrator	<u>54</u>
Procurement Analyst	6
Regulatory Enforcement Supervisor	<u>76</u>

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Revenue Manager (ALL)	4, <u>65</u>
Right-of-Way Agent	1, 2
Right-of-Way Engineer	1, 2
Risk & <u>Claims Manager</u> Administrator	<u>65</u>
Risk Management Coordinator <u>Loss Prevention Manager</u>	<u>65</u>
Senior Transportation Planner	1, 2
Software Development Manager	<u>65</u>
Storeroom Manager	<u>54</u>
Superintendent of LRV Maintenance	<u>65</u>
Superintendent of Transportation	<u>65</u>
Superintendent of Wayside Maintenance	<u>65</u>
Taxicab Administration Manager	<u>65</u>
Consultant ²	

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 Chief Executive Officer 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 Chief Executive Officer'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.

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Category 1: All investments and business positions ~~in business entities,~~ and sources of income, including gifts, loans and travel payments, that are located in, ~~that do business in or own real property within the jurisdiction of MTS.~~

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 MTS.

Category 3: All investments and business positions ~~in,~~ and sources of income, including gifts, loans and travel payments, from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of MTS.

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 54: All investments and business positions ~~in,~~ and sources of income, including gifts, loans and travel payments, from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by MTS.

Category 65: All investments and business positions ~~in,~~ and sources of income, including gifts, loans and travel payments, from, business entities 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 76: All investments and business positions ~~in,~~ and sources of income, including gifts, loans and travel payments, from, business entities subject to the regulatory, permit, or licensing authority of the Designated Employee's Department, unit or division.