

RESOLUTION No. 218877 (R- 77-1951 )

Adopted on JUL 20 1977

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That the Conflict of Interest Code of the TRANSPORTATION  
ADVISORY BOARD of The City of San Diego, submitted pursuant to the  
Political Reform Act of 1974, as amended, is hereby approved.

APPROVED: JOHN W. WITT, City Attorney

By   
David W. Ryan, Deputy

DWR:cav  
4/19/77  
Or. Dept. DOT  
048.7.1

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~~CONFIDENTIAL~~

CONFLICT OF INTEREST CODE  
OF THE  
CITY OF SAN DIEGO  
TRANSPORTATION ADVISORY BOARD

I. GENERAL STANDARDS

SECTION 100 PURPOSE AND SCOPE

A. The maintenance of the highest standards of honesty, integrity, impartiality and conduct by the City of San Diego Transportation Advisory Board is essential to assure the proper performance of its duties and maintenance of confidence by citizens in their government. The avoidance of conflicts of interest on the part of the members of the Board through informed judgment is indispensable to the maintenance of these standards.

B. Pursuant to the provisions of Government Code Section 87300, et seq., the City of San Diego Transportation Advisory Board hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000, et seq.). The provisions of this Code are additional to Title 9, Chapter 7 of the Government Code (Sec. 87100 et seq.) and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

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C. This Code reflects accepted standards imposed by the criminal and civil law of the State of California. However informational these regulations are, they are not a complete enumeration of all restrictions imposed by statutes. The omission of a reference to such a statute in no way affects its validity or applicability to a member of the Board's conduct.

SECTION 101 DEFINITIONS

The definitions set forth in Title 9, Chapter 2 of the Government Code (Section 82000 et seq.) shall govern the interpretation of this Code.

SECTION 102 REMEDIAL ACTION

A. A violation of this Code by a member of the Board may be the cause for remedial action which may include, but is not limited to:

1. Removal as a member of the Board.
2. Any penalty prescribed by law.

B. Remedial action shall be effected in accordance with all applicable laws for notice, hearing and review.

II. CONDUCT AND RESPONSIBILITIES OF MEMBERS OF THE BOARD

SECTION 200 PROSCRIBED ACTIONS

A. All members of the Board shall avoid any action, whether or not specifically prohibited by law, which might result in or create the appearance of:

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1. Using public office for private gain.
2. Giving preferential treatment to any person.
3. Losing complete independence or impartiality.

SECTION 201 GIFTS, ENTERTAINMENT AND FAVORS

A. No member of the Board shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

1. Has, or is seeking to obtain, contractual or other business or financial relations with The City of San Diego in connection with the City's transportation activities.

2. Conducts operations or activities that are regulated by The City of San Diego in connection with the City's transportation activities.

3. Has interests that may be substantially affected by the performance or nonperformance of the duties of the San Diego Transportation Advisory Board.

B. None of the foregoing shall be deemed to prohibit the acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of members of the Board or unsolicited promotional materials of nominal value.

C. A gift or gratuity, the receipt of which is prohibited by this section, shall be returned to the donor when feasible. If no return is feasible, the gift or gratuity shall be conveyed through the Board to a public charity.

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SECTION 202      OUTSIDE EMPLOYMENT AND ACTIVITY

(The provisions of this section are omitted because they are not applicable to the members of the Board.)

SECTION 203      FINANCIAL INTERESTS

No member of the Board shall:

A.    Have a direct or indirect financial interest that conflicts or appears to conflict with his or her duties and responsibilities as a member of the Board; or

B.    Engage in, directly or indirectly, a financial transaction as a result of or primarily relying on information obtained through his or her position as a member of the Board.

SECTION 204      USE OF CITY OF SAN DIEGO PROPERTY

No member of the Board shall directly or indirectly use, or allow the use of City of San Diego property of any kind for other than official duties.

SECTION 205      CONFLICTS OF INTEREST

A.    A conflict of interest may exist whenever a member of the Board has a substantial personal or private interest in a matter which involves his or her duties and responsibilities as a member of the Board. The trust of the citizenry

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demands that a member of the Board take no action which would constitute the use of membership on the Board to advance personal or private interests. Each member of the Board should avoid situations which present the possibility or the appearance that his or her official position might be used to private advantage.

B. Neither the provisions of the California Penal Code, California Government Code, nor the standards of conduct prescribed in this Code, are to be regarded as comprehensive. Each member of the Board must, in each instance involving a personal or private interest in a matter which also involves his or her duties and responsibilities as a member of the Board, make certain that his or her actions do not have the effect or the appearance of the use of his or her official position for the furtherance of his or her own interests or those of his or her family or his or her business associates.

C. The statutory provisions of conflict of interest are contained in Title 9, Chapter 7 of the Government Code (Section 87100 et seq.) The violation of these sections is more specifically outlined in Title 9, Chapter 11 of the California Government Code (Section 91000 et seq.).

SECTION 206 DISQUALIFICATION BECAUSE OF FINANCIAL INTERESTS

Members of the Board must disqualify themselves from making or participating in the making of any decisions in which they have a financial interest when it is reasonably

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foreseeable that such interest may be materially affected by the decision. No member of the Board shall be required to disqualify himself with respect to any matter which could not be legally acted upon or decided without his or her participation.

When any member of the Board has reason to be disqualified, he or she shall immediately report in writing the nature of the matter and the existence of a conflict to the Board.

### III. STATEMENTS OF FINANCIAL INTERESTS

#### SECTION 300 DESIGNATED POSITIONS

The positions listed on EXHIBIT A are designated positions. Members of the Board holding those positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

#### SECTION 301 DISCLOSURE STATEMENTS

Designated positions shall be assigned to one or more of the disclosure categories set forth on EXHIBIT B. Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, designated as reportable under the category to which the employee's position is assigned on EXHIBIT B.

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SECTION 302 PLACE AND TIME OF FILING

A. All designated employees required to submit a statement of financial interests shall file the original with the Secretary of the Board.

B. The Secretary of the Board who receives the statement of financial interest shall make and retain a copy and forward the original to the City Clerk of The City of San Diego and the Clerk of the Board of Supervisors of San Diego County.

C. A designated employee required to submit an initial statement of financial interest shall submit the statement within 30 days after the effective date of this Code which for these purposes shall be the date upon which the City Council of The City of San Diego approves this Code by appropriate resolution or minute entry.

D. All other persons appointed to designated positions shall file statements not less than ten days before assuming office (or if subject to confirmation, ten days before being confirmed), unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within 30 days thereafter.

E. Annual statements shall be filed during the month of February by all designated employees. Such statements shall cover the period of the preceding calendar year.

F. A designated employee required to file a statement of financial interest with any other agency which is within

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the same territorial jurisdiction may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency in lieu of an entirely separate statement.

G. All employees holding designated positions who leave office and do not assume another designated position shall file a statement within 30 days after leaving said position. An employee who leaves a designated position and immediately assumes another such position in the same agency shall not be deemed to leave or assume a designated position.

#### SECTION 303 CONTENTS OF DISCLOSURE STATEMENTS

Disclosure statements shall be made on forms supplied by the City Clerk and shall contain the following information:

A. Contents of Investment and Real Property Reports

When an investment, or an interest in real property, is required to be reported, the statement shall contain:

1. A statement of the nature of the investment or interest.
2. The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged.
3. The address or other precise location of the real property.

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4. A statement whether the fair market value of the investment or interest in real property exceeds ten thousand dollars (\$10,000) and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

B. Contents of Personal Income Reports

When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source.

2. A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000) and whether it was greater than ten thousand dollars (\$10,000).

3. A description of the consideration, if any, for which the income was received.

4. In the case of a gift, the amount and the date on which the gift was received.

C. Contents of Business Entity Income Reports

When income of a business entity, including income of a sole proprietorship, is required to be reported under this section, the statement shall contain:

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1. The name, address and a general description of the business activity of the business entity.

2. In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro-rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000).

3. In the case of a business entity not covered by paragraph 2 above, the name of every person from whom the business entity received payments if the filer's prorata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

D. Contents of Management Positions Reports

When management positions are required to be reported, designated employees shall list the name of each business entity not specified above in which he is a director, officer, partner, trustee, employee, or in which he holds any position of management.

E. Initial Statements

The initial statement filed by an employee appointed to a designated position shall disclose any reportable income, investments and interests in real property.

F. Acquisition During Reporting Period

In the case of a statement filed under Section 302(E), if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal shall be reported.

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The foregoing Conflict of Interest Code has been prepared by the City of San Diego Transportation Advisory Board after a fair opportunity for the members of the board to present their views had been offered. The Code is submitted to the City Council this 15th day of April, 1977.

Alex C. McDonald  
Chairperson, City of San Diego  
Transportation Advisory Board

\* \* \* \* \*

The above Conflict of Interest Code was approved by the Council of The City of San Diego, acting as the code reviewing body pursuant to the Political Reform Act of 1974, as amended, by Resolution No. 218877, on the 20th day of July, 1977.

EDWARD NIELSEN  
City Clerk

By Laverne E. Miller  
Asst. City Clerk

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EXHIBIT A

Position

NONE

Duties

NONE

Category

NONE

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EXHIBIT B

NONE

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Passed and adopted by the Council of The City of San Diego on JUL 20 1977,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

By *Edward Nielsen*, Deputy.

(Seal)

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 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Resolution Number <u>218877</u>	Adopted <u>JUL 20 1977</u>