

## ADMINISTRATIVE CODE AND REGULATIONS

	<u>Page</u>
1. POWERS AND DUTIES OF BOARD OFFICERS	A-2
1.1 Board of Directors	A-2
1.2 Chairman	A-2
1.3 Vice Chairman	A-2
2. ORGANIZATION	A-2
2.1 Functional Requirements	A-2
3. METHOD OF APPOINTMENT OF BOARD EMPLOYEES	A-2
3.1 Affirmative Action Program	A-2
3.2 General Provisions	A-2
3.3 Classification Plan	A-3
3.4 Appointment to Positions	A-4
4. METHODS, PROCEDURES, AND SYSTEMS OF OPERATION AND MANAGEMENT	A-5
4.1 General Statement	A-5
5. FINANCE	A-5
5.1 Appointment	A-5
5.2 Authorities	A-5
6. APPENDIX - CODE OF ETHICS AND CONDUCT	A-6
6.1 Purpose	A-6
6.2 Policy – Prohibition of Certain Enterprises or Activities and Disclosure of Conflicting Interest	A-7
6.3 Policy - Taking Positions on Issues	A-8

## ADMINISTRATIVE CODE AND REGULATIONS

### 1. POWERS AND DUTIES OF BOARD OFFICERS

#### 1.1 Board of Directors

The Board members provided for in Public Utilities Code Section 120050.2 shall be known as the San Diego Metropolitan Transit System of Directors, hereinafter "Board of Directors." In addition to such other powers and duties as the Board of Directors may have under the law, it shall conduct an annual evaluation of the performance of the Chief Executive Officer and discuss such evaluation with the Chief Executive Officer.

#### 1.2 Chairman

The Chairman shall preside at all meetings of the Board of Directors and perform such other duties as may be prescribed by this Code or as may be imposed by the Board of Directors, consistent with the duties of the office.

#### 1.3 Vice Chairman

The Vice Chairman shall act for the Chairman in the absence of the Chairman.

### 2. ORGANIZATION

#### 2.1 Functional Requirements

The Board, acting through the Chief Executive Officer, shall be organized into functional units as required by Public Utilities Code Section 120105(c). Annually, or more often if circumstances warrant, a table of organization of the employees of the Board shall be prepared and adopted by the Board.

### 3. METHOD OF APPOINTMENT OF BOARD EMPLOYEES

#### 3.1 Affirmative Action Program

The Board has adopted an Affirmative Action Plan by Resolution No. 79-47, passed and adopted on December 3, 1979.

#### 3.2 General Provisions

3.2.1 It is the policy of the Board to employ on the basis of merit, qualification, competency, and/or applicable professional experience.

3.2.2 There shall be no discrimination against any applicant or employee because of race, religious creed, national origin, color, ancestry, sex, sexual preference, age, disability, or any political or union affiliation.

- 3.2.3 No remuneration or favor of any sort shall be accepted or solicited by any employee or member of the Board to influence personnel actions.
- Violation of this Section shall result in disciplinary action including termination of any employee by the General Manager.
- 3.2.4 The Chief Executive Officer is responsible for the administration of the personnel system. He may delegate any such duties to any other officer or employee.
- 3.2.5 The Chief Executive Officer shall have the authority to appoint, promote, demote, transfer, discipline, and terminate all employees of the organization subject to provisions of this Code and the approved annual budget.
- 3.2.6 The Chief Executive Officer shall have the authority to create a Human Resources Policy Manual subject to the provisions of this Code and to set the employment terms, conditions, and benefits for all Metropolitan Transit System, San Diego Trolley, Inc., and San Diego Transit Corporation employees.

### 3.3 Classification Plan

- 3.3.1 All positions of employment shall be classified for inclusion in the classification plan. A class consists of all positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and the application with equity of common standards of selection, appointment, transfer, promotion, and compensation.
- The classification plan shall be comprised of the assembled specifications for all classes.
- The class specification is a description of a single class. It normally includes:
- a. Definition which states purpose of work and level of responsibility.
  - b. Typical tasks.
  - c. Employment standards, setting out minimum requirements of education, training, experience, skills, knowledge, and abilities.
  - d. As pertinent, a statement of distinguishing characteristics.
  - e. Salary Range for the Class.
- 3.3.2 Revisions of the plan shall be made from time to time, as needed, and in accordance with changes in the organization by the Chief Executive Officer subject to limitations of the approved annual budget.

### 3.4 Appointment to Positions

- 3.4.1 The Chief Executive Officer shall fill all vacancies from most qualified applicants and in accordance with applicable federal and state laws. Appointments shall be in writing and shall specify starting pay rate, position to which appointment is made, and whether regular or temporary.
- 3.4.2 Vacancies shall be publicized and applications accepted from all qualified persons.
- 3.4.3 As the Chief Executive Officer may determine, examinations may consist of any one or a combination of tests, including written, oral, performance, physical, medical, or psychological, evaluation of training and experience, or any forms designed to test fairly the qualifications of applicants.
- 3.4.4 Promotion to an unfilled position is open to any employee who meets the qualification for the higher position. There is no minimum time of employment for promotion eligibility.

Promotion to the higher position in a linked series is open to an employee who meets the following conditions:

- a. Employment standards for higher level (including education and experience).
- b. Highly satisfactory work at the lower level with their agency.
- c. At least one (1) year at the "Top" step of the lower level with their agency.

Upon promotion, employee must complete a six-month probationary period before a promotion becomes permanent.

- 3.4.5 The employment of members of the same immediate family in a direct reporting relationship shall be avoided except under extraordinary circumstances. If such employment is in the best interest of the Board, it shall be specifically approved by the Chief Executive Officer.
- 3.4.6 Newly hired applicants shall be on probation for at least a six-month period, after which time they may become regular employees if they have worked successfully, demonstrated effectiveness, and displayed the necessary ability to perform their job. During, or at the end of the probationary period, an employee may be terminated by the appointing authority without cause and without the right of appeal. Notification of termination and a statement of the reasons therefore, in writing, shall be served on the probationer, and a copy filed with the Human Resources Department.
- 3.4.7 It is the policy of the Board to pay hiring expenses for the positions of the Chief Executive Officer, General Counsel, and Chief Financial Officer, as follows:
- a. Transportation and other associated costs incurred by applicants coming to San Diego for the final job interview.

- b. Cost of transporting employee's household furniture and goods to San Diego, plus the actual costs incurred in driving one car to San Diego, or comparable equivalent. Under exceptional circumstances, an employee can apply to the Chief Executive Officer for reimbursement of the cost of transporting household furniture and goods in excess of 11,000 pounds and other actual costs of relocation.

Payment of hiring expenses for positions other than those listed above may be authorized by the Chief Executive Officer when, in order to fill a job vacancy, out-of-state recruitment becomes necessary.

Where necessary to recruit highly qualified management and professional employees, the Chief Executive Officer may grant a new employee service credits, starting leave balances, a one-time, lump sum payment, and/or temporary housing assistance.

The Chief Executive Officer shall report actions costing over \$25,000 to the Board.

The Director of Finance and Administration is authorized to make payments carrying out the intent of this policy upon submission of satisfactory documentation.

#### 4. METHODS, PROCEDURES, AND SYSTEMS OF OPERATION AND MANAGEMENT

##### 4.1 General Statement

It is the policy of the Board that its affairs should be handled in an efficient and businesslike manner. To accomplish this, the members of the Board of Directors and the staff, acting through the Chief Executive Officer, may from time to time submit policy statements to the Board of Directors for consideration and possible adoption. These policy statements shall constitute the Board's compliance with this section.

#### 5. FINANCE

##### 5.1 Appointment

The Board appoints the Chief Financial Officer to act as its Treasurer.

##### 5.2 Authorities

The check signing and wire transfer authority is governed by MTS Policy No. 41, which establishes a primary group and a secondary group as follows. Authorized signatories for disbursements are divided into two groups:

### Primary Signatories

One signature required for all checks  
Under \$5,000

1. Chief Executive Officer
2. Chief Financial Officer
3. Controller
4. General Counsel

### Secondary Signatories

Two signatures required for all checks  
greater than \$5,000

1. Chief Financial Officer
2. Chief Executive Officer
3. Controller
4. General Counsel

The Chief Executive Officer is authorized to make commitments of up to \$100,000 without prior Board approval with local (San Diego County) firms, and up to \$25,000 otherwise. He will report actions exceeding \$1,000 at the next succeeding Board meeting.

The Chief Financial Officer is authorized to approve expenditures up to a maximum of \$5,000 for the purchase of materials, services, supplies and equipment within the confines of the authorized Budget.

Expenditures in excess of \$5,000 require the Chief Executive Officer approval.

It is the policy of the Board that investment of available funds shall be made in such form, amounts, and scheduled maturities, and that monies shall be available on required dates to meet the Board's financial obligations in a timely manner.

The investment policy shall be carried out at the discretion of the Chief Financial Officer with a quarterly report made to the Board.

The Board shall designate the primary depository for Board monies.

The security requirement for public funds is waived to the extent allowed by the Government Code.

The Treasurer of the Board (Chief Financial Officer) is authorized to enter into such agreements as are necessary to carry out the Board's financial policies.

The Chief Executive Officer is authorized to establish a Petty Cash Fund commensurate with the activity and needs of the Board, in an amount not to exceed \$250.

## 6. APPENDIX

### 6.1 Code of Ethics and Conduct

#### 6.1.1 Purpose

6.1.1.1 The purpose of this Code is to:

- a. Summarize in a single document a broad code of ethics and conduct which will apply equally to all Board members and employees, regardless of individual job duties and responsibilities.

- b. Emphasize that each Board member and employee in our municipal government occupies a position of public trust which demands the highest moral and ethical standard of conduct.

6.1.1.2 This Code shall be supplemental and in addition to the Conflict of Interest Code of the Board and is not intended to supersede such Code or any provisions thereof.

## 6.2 POLICY - PROHIBITION OF CERTAIN ENTERPRISES OR ACTIVITIES AND DISCLOSURE OF CONFLICTING INTEREST

- 6.2.1 No Board member or employee shall engage in any business or transaction or shall have a financial or other personal interest, direct, or indirect, which is incompatible with the proper discharge of official duties or would tend to impair independence or judgment or action in the performance of such duties.
- 6.2.2 No Board member or employee shall accept from anyone, including employees, customers, vendors, or anyone else who does business with MTS or its affiliates, any gifts, favors, loans, remuneration, or entertainment that is intended or which might be reasonably be construed as an attempt to influence a personnel action, procurement, or other business transaction. Excluded from this general prohibition are *de minimis* gifts (valued at \$50 or less) that are consistent with customary business practices and gifts or favors that have the express prior approval of the Chief Executive Officer. Violation of this policy shall result in disciplinary action up to and including termination.
- 6.2.3 No Board member or employee shall engage in any enterprise or activity which shall result in any of the following:
  - a. Using the prestige or influence of the Board office or employment for private gain or advantage of the member, employee, or another person.
  - b. Using time, facilities, equipment, or supplies of the Board for the private gain or advantage of the member, employee, or another person.
  - c. Using official information not available to the general public for private gain or advantage of the member, employee, or another person.
  - d. Receiving or accepting money or other consideration from anyone other than the Board for the performance of acts done in the regular course of employment or duty.
  - e. Receiving or accepting, directly or indirectly, any gift or favor from any one doing business with the Board under circumstances from which it could reasonably be inferred that such was intended to influence such person in such person's employment or duties, or as a reward for official action.
  - f. Soliciting any gift or favor in such person's official capacity, either directly or indirectly, when such solicitation might reasonably be inferred as to have a potential effect on such person's duties or decision, or when the effect on such person's duties or decision, or when the individual's

position as a Board member or employee would in any way influence the decision of the person being solicited.

- g. Engaging in or accepting private employment or rendering services for private interest, direct or indirect, which may conflict with such person's responsibility or duty, or which, because of that person's position, may influence a decision to the benefit of the organization in which such person has an interest.

### 6.3 POLICY - TAKING POSITIONS ON ISSUES

- 6.3.1 No Board member or employee shall represent a position on an issue to be the Board's unless the Board has formally adopted such position at a public meeting.

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