



DATE: March 25, 2021

TO: Transportation Authority of Marin Board of Commissioners

FROM: Anne Richman, Executive Director *Anne Richman*
David Chan, Programming and Legislation Manager

SUBJECT: Amend the Administrative Code (Action), Agenda Item No. 6b

RECOMMENDATION

The TAM Board accepts amendments to the Administrative Code as shown in Attachment A.

BACKGROUND

Pursuant to California Public Utilities Code (PUC) Section 180105, local transportation authorities are required to “adopt an administrative code, by ordinance, which prescribes the powers and duties of the authority officers, the method of appointment of the authority employees, and methods, procedures, and systems of operation and management of the authority.”

TAM’s Administrative Code was initially adopted on November 17, 2005 and has been amended as necessary to remain current with new laws and regulations. TAM’s Administrative Code has also been amended to reflect changes and policies adopted by the TAM Board and Marin voters, as was the case when Measure B was approved in November 2010. Lastly, the Administrative Code has been amended to reflect changing circumstances such as office location.

DISCUSSION

Amendments for TAM’s Administrative Code as shown in Attachment A are proposed in the below areas. A copy of the existing Administrative Code in its entirety can be downloaded at <https://www.tam.ca.gov/resources-news/tam-governance/>. Upon adoption by the TAM Board, the existing Administrative Code will be replaced with the adopted revised Administrative Code.

Measure AA

In November 2018, Measure AA was approved by Marin voters to renew TAM’s Transportation Sales Tax. Pertinent sections in the Administrative Code need to be amended to reference Measure AA, such as Section 103.7 and Section 106.3. Section 103.7 refers to process for amending the Measure A Expenditure Plan. Measure AA needs to be included in Section 103.7. Similarly, Section 106.3 refers to budget amendment guidelines for Measure A and Measure B that need to include Measure AA since its passage.

Duties of the Executive Director

Section 104.1 (10) designates the Executive Director to serve as the Clerk/Secretary of the Board. When the Administrative Code was adopted in 2005, the Executive Director was the only employee with TAM and, therefore, naming the Executive Director as the Clerk/Secretary was out of necessity. In consultation with County Counsel, solely designating the Executive Director as the Clerk/Secretary is not required by PUC Section 180105 or any other state statute. The amended language to Section 104.1 (10) offers TAM the flexibility to designate another member of staff as the Clerk/Secretary of the Board.

Contents of Disclosure Statements

Section 107.5 of the Administrative Code currently identifies specific information that need to be annually disclosed by elected officials and designated staff positions. The information contained in Section 107.5 is voluminous and unnecessarily detailed. Rather than describing the disclosure requirements in minutia, Section 107.5 has been changed to reference the disclosure requirements to be consistent with Government Code Sections 87200 et seq. Government Code Section 87200 et seq. prescribe state mandated disclosure requirements that have been known to change over time. With the proposed amendment in Section 107.5, TAM will avoid having to amend the Administrative Code every time the disclosure requirements are changed by state statutes.

Technical Advisory Committee (TAC)

The Measure A Expenditure Plan specifically called for TAM to form a TAC to assist staff with prioritizing infrastructure improvements, particularly with the prioritization of projects under the Major Road category. The Measure AA Expenditure Plan does not call for a TAC to assist staff since all Major Roads funds available under both Measure A and AA were already assigned to specific projects, precluding the need for prioritization from a TAC.

Section 104.3(c) of Administrative Code currently states that the TAM Board will create a TAC. Section 104.3(c) has been amended to state the TAM Board may create a TAC to reserve the ability to create a TAC at a later time if necessary without needing to revise the Administrative Code.

Advisory Committees

Section 104.3 currently states that Advisory Committees shall establish a schedule of regular meetings. Section 104.3 has been amended to establish meetings as needed, to reflect the fact that regular meetings are often not needed. The amended language offers flexibility to Advisory Committees to establish meetings as appropriate.

FISCAL IMPACTS

There are no fiscal impacts with approving this administrative action.

NEXT STEPS

Upon approval by the TAM Board, the changes as shown in Attachment A will be incorporated into the Administrative Code.

ATTACHMENT

Attachment A: Proposed Revised Administration Code (pertinent excerpts)

THIS PAGE LEFT BLANK INTENTIONALLY

ADMINISTRATIVE CODE

OF THE

TRANSPORTATION AUTHORITY OF MARIN

Ordinance No. 2005-01

Adopted:
November 17, 2005

Revised:
December 14, 2006
October 27, 2011
December 5, 2013
March 27, 2014 (effective July 1, 2014)
November 20, 2014
December 14, 2015
April 26, 2018 (Selection of Chair and Vice Chair)
March 28, 2019 (Executive Committee Name Change & COC Requirement)
March 25, 2021 (Measure AA, TAC, & Misc.)

TRANSPORTATION AUTHORITY OF MARIN

ADMINISTRATIVE CODE

TABLE OF CONTENTS

		<u>PAGE</u>
ARTICLE I.	TITLE AND AUTHORITY	1
ARTICLE II.	DEFINITIONS	3
ARTICLE III.	POWERS, AUTHORITY, AND DUTIES OF THE GOVERNING BOARD	5
	103.1 Powers	5
	103.2 Organization	6
	103.3 Principal Office	7
	103.4 Meetings	7
	103.5 Quorum and Voting Requirements for Action by the Board	8
	103.6 Amendments to the Ordinance	8
	103.7 Amendments to the Expenditure Plan <u>(updated)</u>	8
	103.8 Minutes	8
	103.9 Ethics Training	9
ARTICLE IV.	ADMINISTRATION	10
	104.1 In General <u>(updated)</u>	10
	104.2 Standing Board Committees	11
	104.3 Advisory Committees <u>(updated)</u>	12
	104.4 Bonding Requirement	14
	104.5 Compensation	15
	104.6 Ex Officio Members	15
ARTICLE V.	CONTRACTS	16
	105.1 Contract Bids, Rejection of Bid, and Purchase in Open Market	16
	105.2 Personal Property Purchases	16
	105.3 Agreements with Other Public Agencies and Procedures for Award of Cooperative Agreements	16

TRANSPORTATION AUTHORITY OF MARIN

ADMINISTRATIVE CODE

TABLE OF CONTENTS

		<u>PAGE</u>
ARTICLE VI.	BUDGETS, REPORTS, INVESTMENTS AND DISBURSEMENTS	17
	106.1 Annual Budget, Notice, Hearing, and Adoption	17
	106.2 Program Budgets	17
	106.3 Budget Amendment (updated)	17
	106.4 Purchases and Payment Procedures	18
	106.5 Books and Accounts	18
	106.6 Expenditures	18
	106.7 Reimbursement of Expenses	18
	106.8 Reports and Audits	18
	106.9 Investment of Funds	18
ARTICLE VII.	CONFLICT OF INTEREST	19
	107.1 Adoption of Conflict of Interest Code	19
	107.2 Designated Positions	19
	107.3 Disclosure Statements	19
	107.4 Place and Time of Filing	19
	107.5 Contents of Disclosure Statements (updated)	20
	107.6 Disqualification	22
	107.7 Disclosure Categories	22
	107.8 Contracts Between TAM and Former Board Members	23
ARTICLE VIII.	ALLOCATION OF RELEASED FUNDS; ALLOCATION OF EXCESS FUNDS; TERMINATION AND DISPOSITION OF ASSETS	24
	108.1 Allocation of Released and Excess Funds	24
	108.2 Termination	24
	108.3 Distribution of Property and Funds	24
ARTICLE IX.	MISCELLANEOUS	25
	109.1 Partial Invalidity	25
	109.2 Interpretation of Sections That Are Based On Provisions From Other Statutes, Applicable Ordinances, or Codes	25

(f) At any regular meeting where there is less than a quorum of the Board, the Commissioners present may constitute themselves a "Committee of the Whole," for the purposes of discussing agenda matters or any other matter of interest to the Commissioners present. All items appearing on the agenda may be subject to action by the Committee of the Whole; however, a vote of the Committee of the Whole does not constitute final Board action. All Committee of the Whole actions must be ratified by a quorum of the Board.

103.5 Quorum and Voting Requirements for Action by the Board. A majority of the Commissioners shall constitute a quorum for the purposes of the transaction of business relating to the Authority, and, except as otherwise provided herein, all Official Acts of the Authority shall require the affirmative vote of a majority of the Commissioners of the Authority. In the event that a quorum is initially present at a duly held meeting, but a quorum is not present throughout the meeting, the Commissioners remaining may continue to discuss information on agenda items and receive public testimony but cannot take action.

103.6 Amendments to the Ordinance. An amendment, which proposes to affect the rate or period of the retail transactions and use tax imposed by this Ordinance, submitted to, and adopted by the voters of Marin, shall be effective only as follows:

(a) Adoption of the proposed amendment shall require the affirmative vote of two-thirds of the Commissioners following a noticed public hearing and a 45-day public comment period.

(b) The proposed amendment adopted by the Board shall require the approval of the Board of Supervisors and the majority of the City and Town Councils representing a majority of the population in the incorporated areas of the County.

(c) If the Board of Supervisors and the majority of the City and Town Councils representing a majority of the population in the incorporated areas of the County approve the proposed amendment, then the Authority shall request the Board of Supervisors to call for a special election and submit the matter to the Marin electorate, which shall require a two-thirds vote of the electorate to enact the amendment.

103.7 Amendments to the Measure A and Measure AA Expenditure Plans. The Board may annually review and propose amendments to the Measure A and Measure AA Expenditure Plans to provide for the use of additional Federal, State, and local funds; to account for unexpected revenues; or to take into consideration unforeseen circumstances. The Measure A and Measure AA Expenditure Plans may be amended as follows:

(a) Adoption of the proposed amendment shall require the affirmative vote of two-thirds of the Commissioners following a noticed public hearing and a 45-day public comment period.

(b) The proposed amendment adopted by the Board shall require the approval of the Board of Supervisors and the majority of the City and Town Councils representing a majority of the population in the incorporated areas of the County before it shall become effective.

ARTICLE IV. ADMINISTRATION

104.1 (d) (5) To execute and deliver contracts and agreements on behalf of the Authority following such approvals as may be required hereunder and to administer Authority contracts in accordance with and subject to the limitations set forth in Article V;

(6) To authorize, approve and make expenditures in accordance with and subject to the limitations set forth in Article VI;

(7) To cause to be prepared and distributed the agenda for all Board meetings;

(8) To undertake such other duties, powers, and responsibilities as may from time to time be assigned to him/her by the Board;

(9) To accept and consent to deeds or grants conveying any interest in or easement upon real estate to the Authority pursuant to Government Code Section 27281 and to prepare and execute certificates of acceptances therefore from time to time as the Executive Director determines to be in furtherance of the purposes of the Authority. Such authority shall be limited to actions of a ministerial nature necessary to carry out conveyances authorized by the Board; and

(10) To serve as the Clerk/Secretary or designate a member of staff as the Clerk/Secretary.

104.2 Standing Board Committees. The Board may, as it deems appropriate, appoint Standing Board Committees consisting of three or more Commissioners, to accomplish the purposes set forth herein.

(a) Organization of Standing Board Committees. To the extent possible, Standing Board Committee assignments shall reflect geographical balance. Each such Standing Board Committee shall by majority vote elect a chair at its first meeting who shall serve at the pleasure of the Standing Board Committee. Except with respect to the Executive Committee, the Standing Board Committees shall establish a schedule of monthly regular meetings; special meetings of Standing Board Committees may be scheduled by the Executive Director or by the Committee Chair as needed.

(b) Standing Board Committees of the Authority. The following Standing Board Committees are hereby created:

(1) Administration/Projects/Planning and Funding/Programs/Legislation Executive Committees. The Administration, Projects & Planning and Funding, Programs & Legislation Executive Committees shall consist of five Commissioners each. The combined membership shall represent a geographic balance, including at least one representative each from the five planning areas of the County: Northern Marin, Central Marin, Ross Valley, Southern Marin, and West Marin. Membership to each Committee shall be as recommended by the TAM Board Chair and approved by a majority of the full TAM Board. The TAM Board Chair shall serve as chair over one committee and the

TAM Board Vice-Chair shall serve as chair over the other. Each committee shall nominate a Vice-Chair of the Committee. The purpose of each Committee is to advise the Board and plan Board activities. A quorum of each Committee shall consist of three Commissioners. In the event that a quorum of the Committee members cannot be obtained, any TAM Commissioner present can serve as an alternate member on either Committee for the purpose of obtaining a quorum. Alternate members of Committees may be appointed by the remaining Commissioners to attend a Committee meeting in the absence of the principal appointees to the Committee. To the fullest extent possible, appointments of alternates shall be made so as to maintain geographical balance on such Committee. Any TAM serving on a Committee for the purpose of obtaining a quorum are only temporary Committee members for one meeting and do not constitute as regular Committee members for future meetings.

(2) Other Committees. The Board may establish such other Standing or other Board Committees, as deemed necessary or advisable from time to time. The Chair, with the concurrence of the Board, may establish such other special, ad hoc, or other Board Committees, as he or she deems necessary or advisable from time to time.

104.3 Advisory Committees.

(a) Organization of Advisory Committees. Each such Advisory Committee shall by majority vote elect a chair at its first meeting who shall serve at the pleasure of the Advisory Committee. Advisory Committees shall establish ~~a schedule of monthly regular meetings~~ as needed; special meetings of Advisory Committees may be scheduled by the Executive Director or by the Committee Chair as needed.

(b) Citizens' Oversight Committee. The Board will create a Citizens' Oversight Committee with the assistance of the League of Women Voters. The Citizens' Oversight Committee will report directly to the public and is charged with reviewing all Measure A, Measure AA, and Measure B expenditures of the Authority on an annual basis to inform Marin County residents how funds are being spent. Citizens' Oversight Committee members will be private citizens who are neither elected officials of any government nor public employees from any agency that either oversees or benefits from the proceeds of the transportation sales tax. Membership will be restricted to individuals who live in the County. Members will be required to submit a statement of financial disclosure and membership will be restricted to individuals without economic interest in any of the Authority's projects. Each committee member also shall have a designated alternate appointed, subject to eligibility provisions contained in Section 104.3, who shall attend committee meetings in the event that the appointed committee member is unable to attend. The Citizens' Oversight Committee shall consist of:

(1) One member each from the five planning areas in the County (Northern Marin, Central Marin, Ross Valley, Southern Marin, and West Marin) nominated by Commissioners representing the respective planning areas.

(2) One member from, and nominated by, a taxpayer group.

(3) One member from, and nominated by, environmental organizations of Marin County.

(4) One member from, and nominated by, major Marin employers.

(5) One member from, and nominated by, the Marin County Paratransit Coordinating Council, representing seniors and persons with disabilities.

(6) One member from, and nominated by, the League of Women Voters.

(7) One member from, and nominated by, an advocacy group representing bicyclists and pedestrians.

(8) One member from, and nominated by, a school district, including parents.

(c) Technical Advisory Committee. The Board ~~will~~may create a Technical Advisory Committee. The purpose of the Technical Advisory Committee is to prioritize infrastructure investments in the Expenditure Plan and to undertake other technical reviews as requested by the TAM Commission. Each committee member also shall have a designated alternate appointed, subject to eligibility provisions contained in Section 104.3, who shall attend committee meetings in the event that the appointed committee member is unable to attend. Members of the Technical Advisory Committee shall consist of:

(1) Two members from, and nominated by, the Marin Managers Association.

(2) Three members from, and nominated by, the Marin Public Works Association.

(3) One member from, and nominated by, the Marin County Planning Directors Group.

(4) One member from, and nominated by, the Golden Gate Bridge, Highway, and Transportation District.

(5) One member from, and nominated by, the Marin County Transit District.

(6) One member from, and nominated by, the Marin County Paratransit Coordinating Council, representing seniors and persons with disabilities.

(7) One member from, and nominated by, the Marin County Office of Education.

(8) One member from, and nominated by, environmental organizations of Marin County.

(9) One member from, and nominated by, an advocacy group representing bicyclists and pedestrians.

(10) One member from, and nominated by, an advocacy group representing business organizations.

104.4 Bonding Requirement. The persons who have charge of, handle, or have access to any property of the Authority shall be so designated and empowered by the Board. Each such person may be required to file an official bond with the Board in an amount that shall be established by the Board. The premiums on any such bonds attributable to the coverage required herein shall be expenses of the Authority.

104.5 Compensation. In accordance with Section 180109 of the Act, no more than one percent of the funds generated pursuant to the retail transactions and use tax authorized by the Ordinance shall be spent on administrative staff salary and benefits. Commissioners shall not be compensated for attending meetings. Commissioners shall be compensated only for necessary traveling and personal expenses incurred in the performance of such Commissioner's duties as are authorized by the Board.

104.6 Ex Officio Members.

(a) The Board shall have the authority to establish by resolution, Ex Officio Members to the Authority, representing transportation and transit agencies and other entities interested or involved in transportation issues in the County. Ex Officio Members shall have the following powers:

(1) The right to attend regular sessions of the Board and to participate in the discussion of matters brought before the Board for consideration;

(2) The right to attend regular meetings of such other Board Committees and of such Standing Board Committees as the Board may determine, and to participate in the discussion of matters brought before such committees.

(b) Each Ex Officio Member shall be designated by the entity represented from among eligible candidates. Ex Officio Members shall hold office for a term of one year.

(c) Ex Officio Members shall not be Commissioners and shall have none of the rights or powers of such Commissioners except as expressly provided herein. Without limiting the generality of the foregoing, such Ex Officio Members shall not:

(1) Have the right to vote with respect to any matter brought before the Board or any Standing Board Committee;

ARTICLE VI

BUDGETS, REPORTS, INVESTMENTS AND DISBURSEMENTS

106.1 Annual Budget, Notice, Hearing, and Adoption. Each year no later than the Authority's June meeting, the Board shall adopt by motion the Annual Budget(s) for the ensuing fiscal year. Approval of a majority of the Commissioners shall be required for adoption of the Annual Budget thereto. In accordance with Section 180108 of the Act, notice of the time and place of a public hearing on the adoption of the Annual Budget shall be published pursuant to Section 6061 of the California Government Code not later than the 15th day prior to the date of the hearing. A preliminary proposed annual budget shall be available for public inspection at least 30 days prior to adoption.

106.2 Program Budgets. In addition to the Annual Budget, the Board may, by motion, establish Program budgets at any time for the study, implementation, or construction of any Program or any portion thereof authorized as a Program pursuant to the Expenditure Plan and Ordinance. Each Program budget shall include all Program costs specifically defined, including but not limited to the following:

- (a) Estimated administrative expenses (in excess of those budgeted in the Annual Budget) allocated to the Program during planning and construction;
- (b) Estimated costs of studies and planning for the Program;
- (c) Estimated costs of right-of-way acquisition; and
- (d) Estimated costs of the engineering and construction or implementation of the Program.

106.3 Budget Amendment. In the event that total expenditure for the annual budget has to increase due to special circumstances, prior approval from the Board is required. The Executive Director shall submit a detailed request and justification to the Board. The request shall include supporting documentation and recommendations regarding the means for financing.

In the event that total expenditures within one or more category(ies) (Administration, Professional Services, etc.) are projected to be greater than the budgetary authority, a transfer of budgeted funds may be processed as long as sufficient savings can be identified for transfers to the category(ies) in need. The Executive Director shall be authorized to approve budget transfers among categories if the dollar amount is equal or less than 5% of the total budget authority of the category from which funds will be reduced. Any transfer among categories that is greater than 5% of the total budget authority of the category from which funds will be reduced must receive prior approval from the Board. The Executive Director shall be authorized to approve all budget transfers among line items within the same category. Any transfer related to Measure A, Measure AA, and Measure B funding shall be effectuated according to the Policy and Procedures specified in the Expenditure Plans and currently adopted Strategic Plans.

(c) Annual statements shall be filed during the month of April by all designated employees. Such statements shall cover the period of the preceding calendar year. Closing statements shall be filed within 30 days of leaving a designated position. Such statements shall cover the period from the closing date of the last statement filed to the date of leaving the position.

(d) A designated position required to file a statement of financial interest under any other agency's conflict of interest code, or under Article 2 of Chapter 7 of the Political Reform Act for a jurisdiction contained within the territorial jurisdiction of this agency may comply with the provisions of this Code by filing a duplicate copy of that statement and an expanded statement which covers reportable interests in that portion of this agency's jurisdiction which differs from the jurisdiction described in the other statement.

107.5 Contents of Disclosure Statements. Disclosure statements shall be made on forms supplied by the Marin County Elections Office and shall contain ~~the following~~ information: pursuant to Government Code Sections 87200 et seq.

~~(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;~~

~~(4) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), or whether it exceeds one million dollars (\$1,000,000). This information need not be provided with respect to an interest in real property, which is the principal residence of the filer, or any other property that the filer utilizes exclusively as the personal 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 five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source. In the case of a~~

~~gift received through an intermediary, the name, address, and business activity of both the donor and the intermediary must be disclosed;~~

~~_____ (2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred dollars (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), or whether it was greater than one hundred thousand dollars (\$100,000);~~

~~_____ (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;~~

~~_____ (5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.~~

~~_____ (c) Contents of Business Entity Income Reports:~~

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

~~_____ (1) The name, address, and a general description of the business activity of the business entity;~~

~~_____ (2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.~~

~~_____ (d) Advance or reimbursement for travel:~~

~~_____ When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value from the payments for the travel, in which case the travel may be reported as income.~~

~~_____ (e) Contents of Business Position Reports:~~

~~_____ When business positions are required to be reported, designated positions shall list the name of each business entity in which they are a director, officer, partner, trustee, employee, or in which they hold any position of management, a description of the business activity in which the business entity is engaged and their position with the business entity.~~

~~(f) Initial Statement:~~

~~The initial statement filed by a designated position on the effective date of this code shall disclose investments, business positions and interests in real property held on the effective date of this code and income received during the 12 months before the effective date of the code. Thereafter, persons appointed to a designated position shall disclose any reportable investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of appointment.~~

~~(g) Acquisition or Disposal During Reporting Period:~~

~~In the case of a statement filed under Section 107.4(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.~~

107.6 Disqualification. Designated positions must disqualify themselves from making or participating in the making of or using their official position to influence the making of any decisions in which they have a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision. No designated position shall be required to disqualify himself/herself with respect to any matter with respect to which such designated position's participation is legally required for the action or decision to be made. The fact that a designated position's vote is needed to break a tie does not make his or her participation legally required for purposes of this section.

107.7 Disclosure Categories. An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated position by virtue of the person's position.

(a) Designated Positions in Group "1" Must Report:

All investments, interests in real property and income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within Marin County or if the business entity is doing business or planning to do business in the County (and such plans are known by the designated position) or has done business within the County at any time during the two years prior to the filing of the statement.

(b) Designated Positions in Group "2" Must Report:

Investments in any business entity and income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which, within the last two years, has contracted, or in the future foreseeably may