

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

304
A



FROM: County Counsel

SUBMITTAL DATE: February 10, 2005

SUBJECT: Approval of the amended appendix to the Conflict of Interest Code for Riverside County Transportation Commission

RECOMMENDED MOTION: That the Board of Supervisors approve the amended appendix for the conflict of interest code submitted by Riverside County Transportation Commission

BACKGROUND: Government Code Section 87306.5 requires that all local agencies review their codes and make any appropriate amendments to their conflict of interest codes, and the listing of designated positions for employees who must disclose along with the types of disclosure required.

The Riverside County Transportation Commission recently revised the appendix for its conflict of interest code and has submitted the revised appendix for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the revised appendix and has found that it complies with statutory requirements. It is recommended that the new appendix be approved and that the clerk notify the Commission of the action taken.

Lee A. Vinocour

LEE A. VINOCOUR
Deputy County Counsel

G:\Property\LVinocou\Form 11\Riverside County Trans Commission

C.E.O. RECOMMENDATION:

APPROVE

Lisa Brandt

County Executive Office Signature

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

2.10

Riverside County
Transportation Commission

Riverside County Regional Complex
4080 Lemon Street, 3rd Floor • Riverside, California
Mailing Address: Post Office Box 12008 • Riverside, California 92502-2208
Phone (951) 787-7141 • Fax (951) 787-7920 • www.rctc.org

December 21, 2004

Ms. Nancy Romero, Clerk of the Board
County of Riverside
4080 Lemon Street
Riverside, CA 92501

RE: Conflict of Interest Code

Dear Ms. Romero:

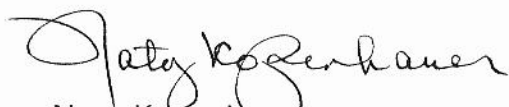
The Riverside County Transportation Commission, at their December 8, 2004 meeting, approved amending the Appendix of its Conflict of Interest Code (hereinafter referred to as Code). Attached is Resolution No. 04-020 adopting an amendment to the Appendix of the Code.

This year, there is a need to amend the Appendix because of title changes of positions, additional positions to be designated in the Code, and the designation of disclosure categories for the positions. The amended Appendix shows the list of positions who manage public investments, and positions to be governed under the Conflict of Interest Code and their respective disclosure categories as shown in Exhibit A.

This is being submitted to the County of Riverside Board of Supervisors, as the governing body to approve any changes to the Commission's Conflict of Interest Code, and to place this item on the Board's agenda.

If you should have any questions, please feel free to call me at (951) 787-7141.

Sincerely,



Naty Kopenhagen
Director of Administrative Services

Attachments

cc: Roy Wilson, RCTC Chair

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)
APPENDIX

CONFLICT OF INTEREST CODE
OF THE

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

(Amended ~~December 13, 2000~~ December 8, 2004)³

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Commission Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the Commission'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 investments⁴:

Members of the Board of the Commission and their Alternates

Executive Director

Deputy Executive Director

Chief Financial Officer

Financial Consultants⁵

³ Titles updated as of December 2002.

⁴ 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>
<u>Accounting Manager</u>	6
<u>Administrative Analyst</u>	5
Director of Administrative Services	4, 5
Director of Regional Program & Public Affairs	6, 7
Director of Transportation Planning & Policy	2, 3, 6, 7
General Counsel	1, 2
Program Manager (ALL)	6, 7
Property Agent	3, 6
<u>Rail Department Manager</u>	1, 2
<u>Director of Public Information & Media Relations Officer</u>	6
Consultant ⁵	

⁵ 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 Executive Director 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 Executive Director'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, 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 in business entities, and sources of income from ~~business entities~~, that are located in, do business in, or own real property within the jurisdiction of the Commission, ~~plan to do business or own real property within the jurisdiction of the Commission within the next year~~, or have done business or owned real property within the jurisdiction of the Commission within the past two (2) years.

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 the Commission.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Commission, ~~plan to engage in such activities within the jurisdiction of the Commission within the next year~~, or have engaged in such activities within the jurisdiction of the Commission within the past two (2) years.

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 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Commission.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

Category 7: All investments and business positions in, and sources of income from, business entities subject to the regulatory, permit, or licensing authority of the Designated Employee's Department, ~~will be subject to such authority within the next year~~, or have been subject to such authority within the past two (2) years.

RESOLUTION NO. 04-020

**RESOLUTION OF THE
RIVERSIDE COUNTY TRANSPORTATION COMMISSION
AMENDING THE APPENDIX OF 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 which potentially affect all officers, employees, and consultants of the Riverside County Transportation Commission (the "Commission") and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Commission adopted a Conflict of Interest Code (the "Code") which was amended on December 13, 2000, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the Commission have made it advisable and necessary pursuant to sections 87306 and 87307 of the Act to amend and update the Appendix of the Commission'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 the Commission being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of time and place of a public meeting on, and of consideration by the Commission of, the proposed amended Appendix was provided each affected designated employee and publicly posted for review and offices of the Commission; and

WHEREAS, a public meeting was held upon the proposed amended Appendix at a regular meeting of the Riverside County Transportation Commission on December 8, 2004, at which all present were given an opportunity to be heard on the proposed amended Appendix.

NOW, THEREFORE, BE IT RESOLVED by the Riverside County Transportation Commission to hereby adopt the proposed the amended Appendix of the Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Director of Administrative Services and available to the public for inspection and copying;

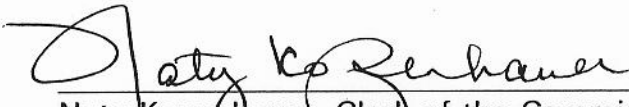
BE IT FURTHER RESOLVED that the said amended Appendix shall be submitted to the County of Riverside Board of Supervisors for approval and said Appendix shall become effective 30 days after the Board of Supervisors approves the proposed amended Appendix as submitted.

APPROVED AND ADOPTED this 8th day of December 2004.



Roy Wilson, Chairman
Riverside County Transportation Commission

ATTEST:



Naty Kopenhagen, Clerk of the Commission
Riverside County Transportation Commission