

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

171A



FROM: County Counsel

SUBMITTAL DATE: January 11, 2007

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

RECOMMENDED MOTION: That the Board of Supervisors approve the amended Conflict of Interest Code submitted by the Riverside County Transportation Commission.

BACKGROUND: Government Code section 87306.5 requires that all local agencies review their Conflict of Interest Code, and the listing of designated positions for employees who must disclose along with the types of disclosure required, and make appropriate amendments to each as required.

The Riverside County Transportation Commission recently revised Appendix Exhibits "A" and "B" of its Conflict of Interest Code and has submitted it for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the revised code and has found that it complies with statutory requirements. It is recommended that the Riverside County Transportation Commission's new revised code be approved and that the Clerk of the Board notify the Agency of the action taken.

Joe S. Rank
JOE S. RANK
County Counsel

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

Joe Grande

Policy
 Poli

Consent
 Consent

Department Recommendation:
Per Executive Office:

RECEIVED
COUNTY OF RIVERSIDE
JAN 11 2007

Prev. Agn. ref.

Dist.

AGENDA NO.

2 . 14

RESOLUTION NO. 06-024

**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

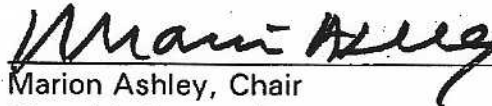
WHEREAS, notice of time and place of a public meeting on, and of consideration by the Commission of, the proposed amended Appendix was provided each affected designated employee and publicly posted for review at the offices of the Commission; and

WHEREAS, a public meeting was held upon the proposed amended Appendix at a regular meeting of the Riverside County Transportation Commission on December 13, 2006, 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 Clerk of the Board and available to the public for inspection and copying;

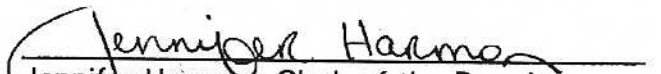
BE IT FURTHER RESOLVED that the said amended Appendix shall be submitted to the County of Riverside Board of Supervisors for approval and said Appendix shall become effective 30 days after the Board of Supervisors approves the proposed amended Appendix as submitted.

APPROVED AND ADOPTED this 13th day of December 2006.



Marion Ashley, Chair
Riverside County Transportation Commission

ATTEST:



Jennifer Harmon, Clerk of the Board
Riverside County Transportation Commission

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

(Amended December 13, 2006)

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 investments³:

Members of the Board of the Commission and their Alternates

Executive Director

Deputy Executive Director

Chief Financial Officer

Financial Consultants

³ 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>
Accounting and Human Resources Manager	6
Administrative Assistant	5
Clerk of the Board	2, 5
General Counsel	1, 2
Planning Director	1, 2
Program Manager (ALL)	6, 7
Property Administrator	3, 6
Public Affairs Director	6
Regional Programs Director	1, 2
Consultant ⁴	

⁴ 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, 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 in business entities, and sources of income, that are located in, do business in, or own real property within the jurisdiction of the Commission.

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.

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.