

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

914A



FROM: County Counsel

SUBMITTAL DATE: March 19, 2007

SUBJECT: Approval of the Conflict of Interest Code for the Riverside County Habitat Conservation Agency

RECOMMENDED MOTION: That the Board of Supervisors approve the amended Conflict of Interest Code submitted by the Riverside County Habitat Conservation Agency.

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 Habitat Conservation Agency 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 Habitat Conservation Agency's new revised code be approved and that the Clerk of the Board notify the Agency of the action taken.

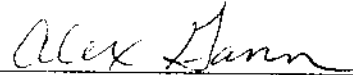
  
JOE S. RANK  
County Counsel

C.E.O. RECOMMENDATION:

**APPROVE**

Policy  
 Poli

County Executive Office Signature



Consent  
 Consent

Department Recommendation:  
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

# APPENDIX

## CONFLICT OF INTEREST CODE

### OF THE

## RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY

(Amended February 15, 2007)

### EXHIBIT "A"

#### OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Agency Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the Agency'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 information purposes only.

It has been determined that the positions listed below are officials who manage public investments<sup>3</sup>:

Board of Directors

Alternate Members of the Board

Executive Director

Financial Consultants

<sup>3</sup>

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 as to whether a position is covered by § 87200.

**DESIGNATED POSITIONS**

**GOVERNED BY THE CONFLICT OF INTEREST CODE**

<b><u>DESIGNATED EMPLOYEES'</u></b> <b><u>TITLE OR FUNCTION</u></b>	<b><u>DISCLOSURE CATEGORIES</u></b> <b><u>ASSIGNED</u></b>
Administrative Manager	4, 5
Deputy Director	1, 2
General Counsel	1, 2
Senior Planner	2, 3, 6
Consultant <sup>4</sup>	

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<sup>4</sup> 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 Agency.

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 Agency.

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 Agency.

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 Agency.

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.

**RESOLUTION NO. 2007-001**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
RIVERSIDE COUNTY HABITAT CONSERVATION  
AGENCY 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 Habitat Conservation Agency (the "Agency") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

**WHEREAS**, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended on January 16, 1997, in compliance with the Act; and

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

**WHEREAS**, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Appendix was provided each designated employee and publicly posted for review at the County Administrative Center at 4080 Lemon Street, Riverside, California; and

**WHEREAS**, a public meeting was held upon the proposed amended Appendix at a regular meeting of the Board of Directors on February 15, 2007, at which all present were given an opportunity to be heard on the proposed amended Appendix.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Riverside County Habitat Conservation Agency that the Board of Directors does hereby adopt the proposed amended Appendix of the Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Administrative Manager and available to the public for inspection and copying;

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

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**MINUTES OF THE RIVERSIDE COUNTY  
HABITAT CONSERVATION AGENCY BOARD**

On motion of Board Member Montanez, seconded by Board Member Buster and duly carried by unanimous vote, IT WAS ORDERED that Resolution No. 2007-001 be approved as recommended.

Ayes: Montanez, Buster, Yarbrough, Lowe,  
Thomasian, Schiffner  
Nays: None  
Absent: Betro, Brown, Batey  
Date: February 15, 2007

Karlene Hernandez  
Clerk of the Board

By: 