

420A
SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: County Counsel

SUBMITTAL DATE: November 13, 2008

SUBJECT: Approval of the Conflict of Interest Code for the Western Riverside County Regional Conservation Authority

RECOMMENDED MOTION: That the Board of Supervisors approve the amended Conflict of Interest Code submitted by the Western Riverside County Regional Conservation Authority.

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 Western Riverside County Regional Conservation Authority recently revised Appendix Exhibit "A" 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 Western Riverside County Regional Conservation Authority's new revised code be approved and that the Clerk of the Board notify the Agency of the action taken.

B.T. Miller, Jr., Deputy County Counsel for
JOE S. RANK, County Counsel

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

Policy

Poll

Consent

Consent

Department Recommendation:

Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

2.8

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY
(Amended November 3, 2008)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Authority Officials who manage public investments, as defined by 2 California Code of Regs. § 18701(b), are NOT subject to the Authority'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 investments¹.

Members of the Board of Directors and their Alternates

Executive Director

Treasurer

Financial Consultant

¹ 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>
Administrative Manager	5
Administrative Services Officer	2,5
Controller	1,2
Deputy Executive Director	1,2
Director of Administrative Services	5
Director of Land Acquisition and Property Management	1,2
General Counsel	1,2
Land Acquisition Analyst	1,2
RCA Chief of Technical Information	6
Reserve Manager	6

MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS

Executive Committee	5
Funding Coordination Committee	1,2
Reserve Management Oversight Committee	1,2
Consultant ²	

² 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 this 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 that are located in, that do business in, or own real property within the jurisdiction of the Authority.

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 Authority.

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 Authority.

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, that are located in, do business in, or own real property, within the jurisdiction of the Authority.

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 utilized by the Authority, that are located in, do business in, or own real property, within the jurisdiction of the Authority.

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 utilized by Designated Employee's Department, that are located in, do business in, or own real property, within the jurisdiction of the Authority.

**LEGISLATIVE VERSION
(Shows Changes Made)**

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

(Amended ~~November 6, 2006~~ November 3, 2008)

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<u>Administrative Services Officer</u>	<u>2,5</u>
Controller	1,2
Deputy Executive Director	1,2
Director of Administrative Services	5
Director of Land Acquisition and Property Management	1,2
General Counsel	1,2
<u>Land Acquisition Analyst</u>	<u>1,2</u>
Principal Development Specialist	1,2
RCA Chief of Technical Information	6
Reserve Manager	6

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(Amended November 3, 2008)

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**NOTICE OF INTENTION
TO AMEND THE APPENDIX OF THE CONFLICT OF INTEREST CODE
OF THE WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

NOTICE IS HEREBY GIVEN that the Western Riverside County Regional Conservation Authority (the "RCA") intends to amend the Appendix of the RCA's Conflict of Interest Code (the "Code"), pursuant to Government Code Section 87306.

The Appendix of the Code designates those employees, members, officers, and consultants who are subject to the RCA's Code. The RCA's proposed amendment includes a new position that must be designated, revises the title of an existing position, and deletes a title that has been revised.

The proposed amended Appendix will be considered by the RCA Board of Directors on November 3, 2008, at 10:00 a.m. at the County of Riverside Board Room, 4080 Lemon Street, Riverside, California. Any interested person may be present and comment at the public meeting or may submit written comments concerning the proposed amendment to the Appendix. Any comments or inquiries should be directed to the attention of Honey Bernas, Clerk of the Board, Western Riverside County Regional Conservation Authority, 3403 Tenth Street, Suite 320, Riverside, California 92501; (951) 955-9700. Written comments must be submitted no later than October 31, 2008, at 4:00 p.m.

The proposed amended Appendix may be reviewed at, and copies obtained from the office of the Clerk of the Board, or may be access at www.wrc-rca.org.

RESOLUTION NO. 08-017

**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY
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 Western Riverside County Regional Conservation Authority (the "RCA") 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") in which was amended in November 6, 2006; and

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

WHEREAS, a notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed Conflict of Interest Code was provided to each affected designated employee and publicly posted for review at the County Administrative Offices at 4080 Lemon Street, Riverside, California, and at 3403 10th Street, Riverside, California; and

WHEREAS, a public meeting was held upon the proposed amended Appendix of the Conflict of Interest Code at a regular meeting of the Board of Directors of RCA on November 3, 2008, at which all present were given an opportunity to be heard on the proposed amended Appendix.

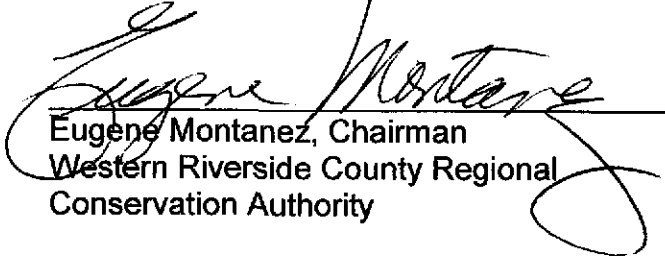
NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Board of Directors of RCA 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 Director of Administrative Services and available to the public for inspection and copying;


SECTION 2. The said amended Appendix of the Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of Riverside for approval.

SECTION 3. The said amended Appendix of the Conflict of Interest Code shall become effective 30 days after the Riverside County Board of Supervisors approves the proposed Code as submitted.

PASSED, APPROVED AND ADOPTED this 3rd day of November, 2008.


Eugene Montanez, Chairman
Western Riverside County Regional
Conservation Authority

ATTEST:


Honey Bernas, Clerk of the Western Riverside
County Regional Conservation Authority



Board of Directors

Chairman
Eugene Montanez
City of Corona

Vice Chairman
Bob Buster
County of Riverside

Marion Ashley
County of Riverside

Larry Dressel
City of Beaumont

Maryann Edwards
City of Temecula

Frank Hall
City of Norco

Jim Hyatt
City of Calimesa

Robin Lowe
City of Hemet

John Machisic
City of Banning

Andy Melendrez
City of Riverside

Robert Schiffner
City of Lake Elsinore

Jeff Stone
County of Riverside

Dale Stubblefield
City of San Jacinto

John Tavaglione
County of Riverside

Gary Thomasian
City of Murrieta

Charles White
City of Moreno Valley

Roy Wilson
County of Riverside

Mark Yarbrough
City of Perris

John Zaitz
City of Canyon Lake

Executive Staff

Charles Landry
Executive Director

November 4, 2008

Honorable Roy Wilson, Chairman
County of Riverside
Board of Supervisors
4080 Lemon Street, Fifth Floor
Riverside, California 92501

Dear Supervisor Wilson:

At their meeting on November 3, 2008, the Western Riverside County Regional Conservation Authority (RCA) adopted Resolution No. 08-017, which amends the RCA's Conflict of Interest Code Appendix.

The Board of Supervisors has the responsibility to review and approve amendments to the Conflict of Interest Code of joint powers agencies and special districts in Riverside County. Therefore, we are submitting the adopted changes to RCA's Conflict of Interest Code to the County of Riverside to be placed on the Board of Supervisors' agenda for approval.

If you have any questions regarding the Appendix amendment, please feel free to call me at (951) 955-2842.

Sincerely,

Honey Bernas
Director of Administrative Services

Attachments:
Resolution No. 08-017
Amended Appendix of Conflict of Interest Code

✓cc: Nancy Romero, Clerk of the Board

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org

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NOV 07 2008

COUNTY COUNSEL

2008-10-08559