

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

713A



FROM: County Counsel

SUBMITTAL DATE: December 18, 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.

2.6

**APPENDIX**  
**CONFLICT OF INTEREST CODE**  
**OF THE**  
**WESTERN RIVERSIDE COUNTY**  
**REGIONAL CONSERVATION AUTHORITY**  
**(December 10, 2008)**

**EXHIBIT "A"**

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

Authority Officials who manage public investments, as defined by 2 California Code of Regulations § 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 investments<sup>1</sup>.

Members of the Board of Directors and their Alternates

Executive Director

Treasurer

Financial Consultant

<sup>1</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 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	1,2
Director of Reserve Management and Monitoring	2,6
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 <sup>2</sup>	

<sup>2</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 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.

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**GOVERNED BY THE CONFLICT OF INTEREST CODE**

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

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**LEGISLATIVE VERSION  
(Shows Changes Made)**

**APPENDIX**  
**CONFLICT OF INTEREST CODE**  
**OF THE**  
**WESTERN RIVERSIDE COUNTY**  
**REGIONAL CONSERVATION AUTHORITY**  
**(November 3, 2008 December 10, 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	1,2
Director of Reserve Management and Monitoring	2,6
<del>Director of Land Acquisition and Property Management</del>	<del>1,2</del>
General Counsel	1,2
<u>Land Acquisition Analyst</u>	<u>1,2</u>
<del>Principal Development Specialist</del>	<del>1,2</del>
RCA Chief of Technical Information	6
Reserve Manager	6

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Board of Directors

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Eugene Montanez  
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*City of Canyon Lake*

Executive Staff

Charles Landry  
Executive Director

December 11, 2008

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

Dear Supervisor Wilson:

The Western Riverside County Regional Conservation Authority (RCA) adopted Resolution No. 08-019, which incorporated the changes to their Conflict of Interest Code Appendix approved on November 10, 2008 and on December 10, 2008.

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. I understand that amendments to the Conflict of Interest Code must be submitted to the County by December 31, 2008. 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 amendment to the Appendix, please feel free to call me at (951) 955-2842.

Sincerely,

Honey Bernas  
Director of Administrative Services

Attachments:  
Resolution No. 08-019  
Amended Appendix of Conflict of Interest Code

cc: Nancy Romero, Clerk of the Board

3403 10<sup>th</sup> 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

RECEIVED  
DEC 15 2008  
COUNTY COUNSEL  
TO

2008-12-080658

**RESOLUTION NO. 08-019**

**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 10<sup>th</sup> 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 December 10, 2008, at which all present were given an opportunity to be heard on the proposed amended Appendix.

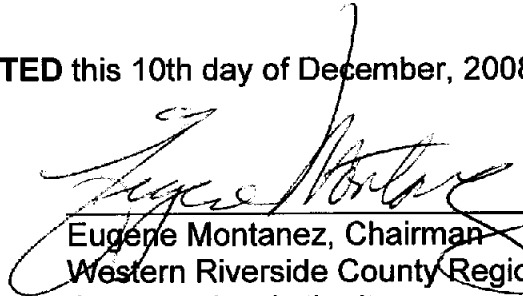
**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:**

**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;

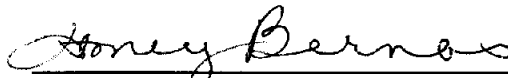
**SECTION 2.** The said amended Appendix of the Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of Riverside for approval.

**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 10th day of December, 2008.

  
\_\_\_\_\_  
Eugene Montanez, Chairman  
Western Riverside County Regional  
Conservation Authority

**ATTEST:**

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

## CERTIFICATION

I, Honey Bernas, Clerk of the Board of Directors of the Western Riverside County Regional Conservation Authority, certify that the foregoing resolution was adopted by the Board of Directors at a regular meeting held on the 10th day of December 2008 by the following vote of the Directors:

**AYES:** Ashley, Batey, Buster, Craton, Dressel, Edwards, Hall, Hyatt, Lowe, Machisic, Melendrez, Montanez, Stone, Thomasian, Tavaglione, Stone, Wilson

**NOES:** None

**ABSENT:** Stubblefield, Yarbrough

**ABSTAIN:** None

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the Western Riverside County Regional Conservation Authority, this 10th day of December 2008.

By: *Honey Bernas*  
Honey Bernas, Clerk of the Board

(SEAL)

