

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

312A



FROM: County Counsel

SUBMITTAL DATE:
January 10, 2013

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

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

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

Departmental Concurrence

(Continued)

TAWNY V. LIEU, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY:
Denise C. Harden

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 3/3/09; 2.3 | District: All | Agenda Number:

2-20

Government Code Section 82011 identifies the code reviewing body as the Board of Supervisors for the County, within which a local government agency (as defined by Government Code Section 82041) is located. A local government agency, as defined by Government Code Section 82041, includes this type of entity.

The Riverside County Transportation Commission recently revised 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 Board of Supervisors approve Riverside County Transportation Commission's Conflict of Interest Code as revised and that the Clerk of the Board notify the Agency of the action taken.

CONFLICT OF INTEREST CODE FOR THE
RIVERSIDE COUNTY TRANSPORTATION COMMISSION
(Amended December 8, 2010)¹

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Riverside County Transportation Commission** (the "**Commission**").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Office and Board Services Manager/Clerk of the Board** as the Commission's Filing Officer. The **Office and Board Services Manager/Clerk of the Board** shall make and retain a copy of all statements filed by Members of the Board of the Commission and the Executive Director, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The **Office and Board Services Manager/Clerk of the Board** shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

¹ Language amended as provided by FPPC to clarify requirements.

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
RIVERSIDE COUNTY TRANSPORTATION COMMISSION
(Amended December 8, 2010)

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 must file disclosure statements under 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:²

Members of the Board of the Commission and their Alternates

Executive Director

Deputy Executive Director

Chief Financial Officer

Financial Consultants

² Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS³

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Accounting and Human Resources Manager	5
Capital Projects Manager	1, 2
Community Relations Manager	5
Commuter Assistance Manager	5
General Counsel	1, 2
Goods Movement Manager	5
Government Relations Manager	1
Motorist Assistance Manager	5
Multimodal Services Director	2, 3, 5
Office and Board Services Manager	2, 4
Procurement Administrator	1, 2
Procurement Manager	1, 2
Programming and Planning Manager	2, 5, 6
Project Delivery Director	1, 2
Project Development Director	1, 2
Rail Manager	1, 2
Right of Way Manager	1, 2
Senior Administrative Assistant, Administration	5

³ Titles updated December 2012.

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Staff Analyst – Multimodal Services (ALL)	2, 3, 5
Staff Analyst – Programming (ALL)	5
Staff Analyst – Rail (ALL)	1, 2
Staff Analyst – Right of Way (ALL)	1, 2
Toll Program Director	2, 3, 5
Toll Project Manager	2, 3, 5
Transit Manager	2, 3, 5
Consultants and New Positions ⁴	

⁴ Individuals serving as a consultant as defined in FPPC Reg 18701 or in a new position must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive Director may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. 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 economic investments that the designated position must disclose for each disclosure category to which he or she is assigned.⁵

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, 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 business entities, and sources of income, including gifts, loans and travel payments, 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 business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Commission.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the designated position's department, unit or division.

FORM APPROVED COUNTY COUNSEL

BY:  1/10/13
TAWNY V. LIEU DATE

⁵ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)