

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



**ITEM: 2.13
MT: (ID # 9085)**

MEETING DATE:

Tuesday, October 22, 2019

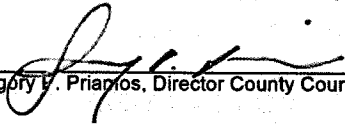
FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of an Amendment to the Conflict of Interest Code of the Riverside County Transportation Commission, All Districts [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Amendment to Conflict of Interest Code of the Riverside County Transportation Commission; and
2. Direct the Clerk of the Board to notify the Riverside County Transportation Commission of the action taken.

ACTION: Consent




Gregory E. Priarios, Director County Counsel 9/23/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: October 22, 2019
xc: Co.Co., COB

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	N/A	N/A	N/A	N/A
NET COUNTY COST	N/A	N/A	N/A	N/A
SOURCE OF FUNDS: N/A			Budget Adjustment: N/A	
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Political Reform Act prohibits a public official from using his or her position to influence a government decision in which he or she has a financial interest. Government Code section 87300 requires local government agencies to adopt and promulgate a Conflict of Interest Code identifying officials and employees required to file statements of economic interest based on the positions they hold. A local government agency, as defined by Government Code section 82041, includes the Riverside County Transportation Commission.

Each even-numbered year, Government Code section 87306.5 requires local government agencies to review their Conflict of Interest Code, make appropriate revisions, if necessary, and submit an amended Conflict of Interest Code to the code reviewing body. Government Code section 82011(b) identifies the Board of Supervisors for the County of Riverside as the code reviewing body for a local government agency within its county.

The Members of the Board of the Commission of the Riverside County Transportation Commission adopted Resolution Number 18-019 amending its Conflict of Interest Code on December 12, 2018 to include a new position and revise the titles of existing positions that make or participate in making governmental decisions. The Riverside County Transportation Commission has submitted its amended Conflict of Interest Code for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the Conflict of Interest Code of the Riverside County Transportation Commission and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Riverside County Transportation Commission is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Riverside County Transportation Commission, and direct the Clerk of the Board to notify the Riverside County Transportation Commission of the action taken.

ATTACHMENTS:

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

Attachment A: **RESOLUTION NUMBER 18-019**

Attachment B: **CONFLICT OF INTEREST CODE FOR THE RIVERSIDE COUNTY
TRANSPORTATION COMMISSION**


Susana Garcia-Bocanegra, Principal Management Analyst

10/3/2019


Gregory V. Priamos, Director County Counsel

9/27/2019

RESOLUTION NO. 18-019

**RESOLUTION OF THE RIVERSIDE COUNTY
TRANSPORTATION COMMISSION AMENDING 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 June 14, 2017, 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 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

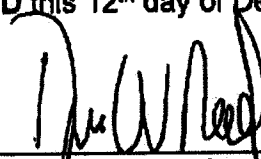
WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Commission of, the proposed amended Code was provided each affected designated employee and publicly posted for review at the offices of the Commission; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Members of the Board of the Commission on December 12, 2018, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Members of the Board of the Commission of the Riverside County Transportation Commission that the Members of the Board of the Commission do hereby adopt the proposed amended 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 Code shall be submitted to the Board of Supervisors of the County of Riverside for approval and said Code shall become effective upon approval by the Board of Supervisors.

APPROVED AND ADOPTED this 12th day of December, 2018.



Dana W. Reed, Chair
Riverside County Transportation Commission

ATTEST:



Lisa Mobley, Clerk of the Board
Riverside County Transportation Commission

CONFLICT OF INTEREST CODE FOR THE
RIVERSIDE COUNTY TRANSPORTATION COMMISSION
(Amended December 12, 2018)

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) which 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 it 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 regulation and the attached Appendix designating officials and positions and establishing disclosure categories, shall constitute the conflict of interest code of the Riverside County Transportation Commission (the "Commission").

All officials and designated employees required to submit a statement of economic interests shall file their statements with the Clerk of the Board as the Commission's Filing Officer. The 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 Commission's 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.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

(Amended December 12, 2018)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Commission Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3(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 investments¹:

Members of the Board of the Commission and their Alternates

Executive Director

Deputy Executive Director

Chief Financial Officer

Financial Consultants

¹ 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 POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Capital Projects Manager (ALL)	1, 2
Clerk of the Board	4
Commuter and Motorist Assistance Manager	5
Deputy Director of Finance	1
External Affairs Director	1, 2
Facilities Administrator	1, 2
General Counsel	1, 2
Goods Movement Manager	5
Government Relations Manager	1
Human Resources Administrator	4
IT Administrator	5
Management Analyst – Multimodal Services (ALL)	2, 3, 5
Management Analyst – Programming (ALL)	5
Management Analyst – Rail (ALL)	1, 2
Management Analyst – Right of Way (ALL)	1, 2
Multimodal Services Director	2, 3, 5
Planning and Programming Director	2, 3, 5
Planning and Programming Manager	2, 5, 6
Procurement Analyst	1, 2

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Procurement Manager	1, 2
Project Delivery Director	1, 2
Public Affairs Manager	5
Rail Manager	1, 2
Right of Way Manager	1, 2
Senior Administrative Assistant, Procurement	5
Senior Financial Analyst	5
Senior Management Analyst – External Affairs	1, 2
Senior Management Analyst – Legislative Affairs	1, 2
Senior Management Analyst – Toll Program	5
Toll Operations Manager	2, 3, 5
Toll Program Director	2, 3, 5
Toll Project Manager	2, 3, 5
Toll Technology Manager	3, 5
Transit Manager	2, 3, 5

Consultant and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg 18700.3(a) or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure category 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 assign a limited disclosure requirement described in this Section. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734). 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 (Gov. Code Sec. 81008).