



Midpeninsula Regional  
Open Space District

R-12-101  
Meeting 10-34  
October 24, 2012

## AGENDA ITEM 4

### AGENDA ITEM

Approve Amendments to the District's Conflict of Interest Code

### GENERAL MANAGER'S RECOMMENDATION

Adopt the attached Resolution Amending the District's Conflict of Interest Code

### DISCUSSION

Pursuant to Government Code Section 87306.5, every two years the District is required to review its Conflict of Interest Code and submit a notice to the code-reviewing body (California Fair Political Practices Commission or FPPC), that specifies whether the Conflict of Interest Code (Code) is accurate or needs amending. The purpose of Section 87306.5 is to ensure that: "No later than July 1 of each even-numbered year, the code reviewing body shall direct every local agency which has adopted a Conflict of Interest Code in accordance with this title to review its Conflict of Interest Code and, if a change in its code is necessitated by changed circumstances, submit an amended Conflict of Interest Code in accordance with subdivision (a) of Section 87302 and Section 87303 to the code reviewing body."

The Code must be amended when adding or deleting positions, changing disclosure categories or changing job titles. Based on these criteria, staff filed the required notice with the FPPC in September 2012, stating that the District's Conflict of Interest Code needed to be amended due to the completion of the District's Classification and Compensation Study. The proposed amendments to the Code are as follows:

1. Addition of the "Accountant" position.
2. Re-naming the position of "Administration and Human Resources Manager" to "Administrative Services Manager".
3. Re-classification of the "Communications Specialist" to "Media Communications Supervisor".
4. Addition of the "District Clerk" position.
5. Addition of the "Docent Program Manager".
6. Addition of the "Executive Assistant".
7. Re-classification of the "GIS Coordinator" to "GIS Administrator".
8. Addition of the "Human Resources Supervisor" position.
9. Addition of the "Information Technology Administrator" position.
10. Re-naming the position of "Maintenance and Resource Supervisor" to "Maintenance, Construction and Resource Supervisor".

11. Addition of the “Natural Resources Manager” position.
12. Re-naming of the “Principal Management Analyst” to “Senior Management Analyst”.
13. Deletion of the “Resource Planner” position as this position has been re-classified as “Planner”.
14. Re-classification of “Resource Specialist” to “Resource Management Specialist”
15. Re-classification of “Deputy/District Clerk/Office Manager” position to “Senior Administrative Assistant”.
16. Deletion of “Senior Accounting Specialist” position.
17. Deletion of the “Senior Real Property Planner” position as this position has been re-classified as “Senior Planner”.

In accordance with the FPPC regulations, the District’s Notice of Intention to amend its Conflict of Interest Code has been posted for at least 45 days prior to tonight’s Public Hearing on the matter. As of the writing of this report, the District Clerk has received no public or staff comments regarding the proposed changes.

A complete copy of the proposed amended Conflict of Interest Code is attached for your review.

**FISCAL IMPACT**

There are no unbudgeted fiscal impacts with this agenda item.

**BOARD COMMITTEE REVIEW**

Board Committee review is not required for this agenda item.

**PUBLIC NOTICE**

Notice of the public hearing and proposed amendments has been posted for the required 45 days prior to tonight’s meeting.

**CEQA COMPLIANCE**

This is not a project under the California Environmental Quality Act (CEQA).

**NEXT STEPS**

If approved by the Board, staff will transmit the proposed amendments to the District’s Code to the FPPC for final review and approval. Once approved by the FPPC, staff will implement the amended Code and notify all affected employees.

Attachments:

1. Resolution
2. Proposed Amended Conflict of Interest Code

Responsible Department Head:  
Steve Abbors, General Manager

Prepared by:  
Michelle Radcliffe, District Clerk

Contact person:  
Same as above

**ATTACHMENT 1**

**RESOLUTION 12-XX**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT  
AMENDING CONFLICT OF INTEREST CODE**

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WHEREAS, by Resolution No. 00-73, the Board of Directors of the Midpeninsula Regional Open Space District adopted a Conflict of Interest Code pursuant to the Political Reform Act of 1974; and

WHEREAS, Government Code Section 87306.5 requires a biennial review of the District's Conflict of Interest Code; and

WHEREAS, the District, in accordance with the California Fair Political Practices Commission Regulation 18750.1 (Title 2 California Code of Regulations Section 18750.1), has prepared code amendments, noticed affected staff members and the public of its intent to amend the code, and conducted a public hearing to consider the amendments.

NOW, THEREFORE, the Board of Directors of the Midpeninsula Regional Open Space District does hereby resolve to repeal Resolution No. 00-73 and adopt the amended Conflict of Interest Code as contained herein, to be effective on the thirtieth (30) day following approval of the District's amended code by the Fair Political Practices Commission.

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## ATTACHMENT 2



Midpeninsula Regional  
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### CONFLICT-OF-INTEREST CODE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

The Political Reform Act (Government Code Sections 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 California Code of Regulations Section 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, the standard code 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 amendment to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Midpeninsula Regional Open Space District (District)**.

Individuals holding designated positions shall file their statements with the **District**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the **District**.

**CONFLICT-OF-INTEREST CODE FOR THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

**APPENDIX A- DESIGNATED POSITIONS**

<b>Designated Positions</b>	<b>Assigned Disclosure Categories</b>
Accountant	2
Administrative Services Manager	2
Area Superintendent	1, 2
Assistant General Counsel (All Levels)	1, 2
Assistant General Manager	1, 2
Board Members	1, 2
District Clerk	2
Docent Program Manager	3
Executive Assistant	2
General Counsel	1, 2
General Manager	1, 2
GIS Administrator	1, 2,
Human Resources Supervisor	3
Information Technology Administrator	3
Maintenance, Construction and Resource Supervisor	2
Management Analyst (All Levels)	2
Media Communications Supervisor	2
Natural Resources Manager	3
Operations Manager	1, 2
Planner (All Levels)	1, 2
Planning Manager	1, 2
Public Affairs Manager	1, 2
Public Affairs Specialist	2
Real Property Manager	2
Real Property Specialist	1, 2
Resource Management Specialist (All Levels)	1, 2
Senior Administrative Assistant	2
Senior Management Analyst	1, 2
Senior Planner	1, 2
Supervising Ranger	1, 2

**CONFLICT-OF-INTEREST CODE FOR THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

**APPENDIX A- DESIGNATED POSITIONS CONTINUED**

<b>Designated Positions</b>	<b>Assigned Disclosure Categories</b>
Training and Safety Specialist	3
Volunteer Program Manager	3
Website Administrator	3
Consultants/New Positions	*

\*Consultants and new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The General Manager may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’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 Section 81008.)

The following positions are NOT covered by the conflict-of-interest code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

- Controller

An individual 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 Government Code Section 87200.

**CONFLICT-OF-INTEREST CODE FOR THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

**APPENDIX B-DISCLOSURE CATEGORIES**

Category 1 – Interests in real property are reportable interests if:

The real property to which the interest pertains is located in whole or in part within the District's boundaries or sphere of influence, or within two miles of the District's boundaries or sphere of influence, or within two miles of any land owned by the District. (A residence used solely for personal purposes is not reportable pursuant to Gov. Code Section 87206.)

Category 2

A. Income (including the receipt of gifts, loans, and travel payments), investments, and business positions:

1. In any business entity engaged in business within the District and which is of the type that has contracted with the District to provide employee testing or training, professional services, consulting services, financial services, other services, supplies, materials, machinery, books, uniforms, publications, equipment, vehicles or insurance.
2. In any business entity that engages in the design, planning, engineering, construction, materials supply or project management of private or public construction projects with the District.
3. In any business entity that engages in the business of brokerage, acquisition, leasing, marketing or disposal of real property within the District.
4. In any business entity that engages in the preparation of reports, surveys, evaluations or investigations of the type used by the District, including environmental documents such as Environmental Impact Reports, real property appraisals, land surveys, environmental assessments, hazardous waste investigations, percolation evaluations, engineering reports, biological assessments, geologic or hydrologic evaluations, or evaluation of the physical condition of real property.

Category 3

Investments and business positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from sources of the type for which the employee's division has purchasing authority.