

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # \*A-4

Urgent

Routine

AGENDA DATE February 10, 2009

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Adopt an Amendment to the Conflict of Interest Code of the Stanislaus Council of Governments (StanCOG)

STAFF RECOMMENDATIONS:

Adopt an amendment to the Conflict of Interest Code of the Stanislaus Council of Governments (StanCOG).

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-102

On motion of Supervisor Monteith, Seconded by Supervisor Grover  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**SUBJECT:** Approval to Adopt an Amendment to the Conflict of Interest Code of the Stanislaus Council of Governments (StanCOG)  
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**DISCUSSION:**

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve amendments to an agency's Conflict of Interest Code. After holding a public meeting the Stanislaus Council of Governments (StanCOG) approved an amendment to their Conflict of Interest Code. After an agency adopts an amendment to their Code they must submit it to the Board of Supervisors. Upon receiving the amendments to a Conflict of Interest Code from an agency the Board of Supervisors places the amendments on their agenda for approval.

**POLICY ISSUE:**

The Board of Supervisors is the Conflict of Interest Code Reviewing Body for all agencies whose boundaries are solely within Stanislaus County.

**STAFFING IMPACTS:**

There are no staffing impacts associated with this item.

**STANISLAUS COUNCIL OF GOVERNMENTS  
RESOLUTION 08 -38**

**RESOLUTION ADOPTING THE CONFLICT OF INTEREST CODE**

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the designated Regional Transportation Planning Agency (RTPA), the designed Metropolitan Planning Organization (MPO), and the designated Council of Governments for Stanislaus County; and,

WHEREAS, the Stanislaus Council of Governments is designated the Stanislaus County Local Transportation Authority, pursuant to the provisions of Public Utilities Code Section I, Division 19 commencing with Section 180000; and

WHEREAS, the Political Reform Act of 1974, Government Code §81000 et seq., requires state and local government agencies to adopt and promulgate a Conflict of Interest Code;

WHEREAS, the Fair Political Practices Commission has adopted a regulation found at California Code of Regulations, Title 2, Section 18730, which contains the terms of a standard Conflict of Interest Code; and

WHEREAS, after public notice and hearing, the Conflict of Interest Code found in the California Code of Regulations may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act of 1974.

NOW, THEREFORE, BE IT RESOLVED that the terms of California Code of Regulations, Title 2, Section 18730, and any amendments thereto duly adopted by the Fair Political Practices Commission are hereby incorporated into this resolution by reference;

BE IT FURTHER RESOLVED that this resolution and the attached Exhibits A and B designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code of Stanislaus Council of Governments; and

BE IT FURTHER RESOLVED that designated employees shall file their statements with the Personnel and Administration Manager of Stanislaus Council of Governments and such statements are available for public inspection and reproduction; and

BE IT FURTHER RESOLVED that statements for all designated employees shall be retained by Stanislaus Council of Governments; and

BE IT FURTHER RESOLVED that persons holding designated positions shall file a Fair Political Practices Commission Form 700, or such other form as may be prescribed; and

BE IT FURTHER RESOLVED that all previous conflict of interest codes of Stanislaus Council of Governments are repealed;

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Council of Governments, on the 29th day of January 2009. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

PASSED AND ADOPTED this 29th day of January 2009, by the following votes of the Stanislaus Council of Governments, to wit;

MEETING DATE: January 29<sup>th</sup>, 2009

AYES: 14

NOES: 0

ABSENT: 2

  
FARRELL JACKSON, CHAIR

ATTEST:

  
VINCENT J. HARRIS, EXECUTIVE DIRECTOR

BOARD OF SUPERVISORS  
2009 JAN 30 P 1:25

## **CONFLICT OF INTEREST CODE FOR THE STANISLAUS COUNCIL OF GOVERNMENTS**

The Political Reform Act, Government Code Section 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, codified at 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code. The terms of the regulation can be incorporated by reference, along with any amendments made by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act and constitute the adoption and promulgation of a conflict of interest code or the amendment of a conflict of interest code if the terms of the regulation are substituted for terms of a conflict of interest code already in effect. Therefore, the terms of 2. Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices, A and B, in which members and employees are designated and the categories set by Section 18730 are set forth, constitute the conflict of interest code of the Stanislaus Council of Governments.

Designated employees shall file statements of economic interests with the agency who will make the statements available for public inspection and reproduction. (Gov't. Code Section 81008). Upon receipt of the statements of the Executive Director, the agency shall make and retain a copy and forward the original of these statements to the Office of the Board of Supervisors. Statements for all other designated employees will be retained by the agency.

**EXHIBIT A**  
**DESIGNATED EMPLOYEES**

The following Stanislaus Council of Governments positions are designated:

Members of the Policy Board  
Alternates to the Policy Board  
Executive Director  
Finance Director  
Senior Planner  
Personnel and Administration Manager  
Consultants (See Exhibit B)

The positions designated above shall report the follow interests:

1. Investments
2. Investments in Real Property
3. Interest in Real Property Held by a Business Entity or Trust
4. Investments Held by Business Entity or Trust
5. Income
6. Income Loans
7. Income Gifts
8. Business Positions
9. Commission Income, Income and Loans to Business Entities or Trusts and Income for Rental Property

This group will utilize Form 700, "Statement of Economic Interest", for details and completion.

**EXHIBIT B**  
**DISCLOSURE BY CONSULTANTS**

Consultants shall be included in the list of designated employees and shall disclose pursuant to the provisions of the Political Reform Act, subject to the following limitations:

The Stanislaus Council of Governments may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of the Political Reform Act. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Stanislaus Council of Governments' determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code.