



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Executive Officer

DATE: August 22, 2005

SUBJECT: **Agenda Item VIII: Consideration of resolution authorizing adoption of revised Conflict of Interest Code.**

Staff Recommendation: That the Governing Board adopt the attached resolution amending the Mountains Recreation and Conservation Authority Conflict of Interest Code to add to the Designated Positions the Members of the respective Citizens' Oversight Committees for the Santa Monica Mountains Open Space Preservation Assessment District One and District Two, and the Assistant Financial Officer, and to correct the title of the Chief Deputy Executive Officer.

Legislative Authority: Government Code Section 87306 provides, in pertinent part, as follows: "(a) Every agency shall amend its Conflict of Interest Code, subject to the provisions of Section 87303, when change is necessitated by changed circumstances, including the creation of new positions which must be designated pursuant to subdivision (a) of Section 87302 and relevant changes in the duties assigned to existing positions."

Government Code Section 87302 sets forth required provisions for each Conflict of Interest Code. Government Code Section 87303 describes the procedures for submission, approval, and time for adoption of a proposed Conflict of Interest Code.

Background: In August 2002, a majority of property owners within the eastern portion of the Santa Monica Mountains and Hollywood Hills, City of Los Angeles, approved, by popular vote, the establishment of the Santa Monica Mountains Open Space Preservation Assessment Districts One and Two. These Districts were established for the purpose of raising local funds to acquire open space and parklands, preserve critical habitat and wildlife, and protect natural lands for future generations. The MRCA Governing Board established a Citizens' Oversight Committee to provide public comment whether proposed acquisitions are consistent with recommendations and findings of the Final Engineer's Report for each District.

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Each Citizens' Oversight Committee may receive and review copies of the accounting for funds generated and expended by its District, as well as designate the independent auditor for the revenues and expenditures.

The Political Reform Act, pursuant to Government Code Section 87100, provides that no public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he as a financial interest. Members of the Citizens' Oversight Committees will be participating in a governmental decision with respect to proposed acquisitions by the MRCA. The Assistant Financial Officer position entails assisting with the oversight of all financial transactions of the agency. It is therefore necessary to amend the MRCA Conflict of Interests Code to include the members of the Citizens' Oversight Committee for each District and the Assistant Financial Officer in order to comply with the requirements set forth in the Political Reform Act conflict of interest rules.

Also being amended at this time is the title of "Deputy Executive Officer." To accurately reflect the proper title for this position, the title of "Deputy Executive Officer" should be corrected to the title "Chief Deputy Executive Officer."

Attached to this staff report is the proposed amended Conflict of Interest Code for the Mountains Recreation and Conservation Authority.