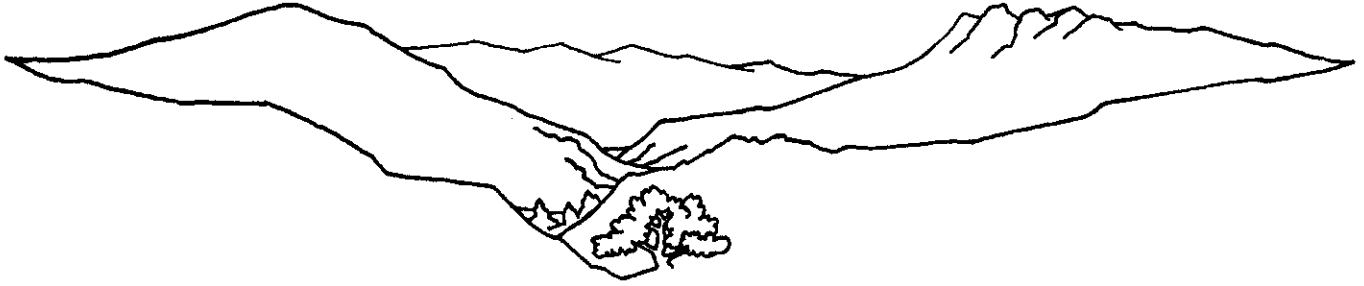


CONEJO OPEN SPACE CONSERVATION AGENCY



TO: Board of Directors
FROM: COSCA Staff
DATE: November 12, 2008
SUBJECT: Amendment to COSCA's Conflict of Interest Code

RECOMMENDATION:

Approve Resolution No. 2008-02 amending COSCA's Conflict of Interest Code.

BACKGROUND:

The Ventura County Board of Supervisors acts as the official approving body for COSCA's Conflict of Interest Code. On July 1, 2008, the Board of Supervisors directed the Clerk of the Board to request that COSCA review its Conflict of Interest Code and notify the Board of Supervisors if the code is current or in need of amendment. A copy of COSCA's current Conflict of Interest Code, which was approved by the COSCA Board on December 9, 1998, is attached (**Exhibit "A"**).

Staff from the City Clerk's Office and the City Attorney's Office have reviewed COSCA's current Conflict of Interest Code and have recommended that it be amended to more clearly identify COSCA's designated filers and the extent of disclosure required for each designated position. The new proposed code, Resolution No. 2008-02 (**Exhibit "B"**) specifies the COSCA officers, officials, and employees to whom the code applies in a separate Appendix A, instead of listing them within the body of the resolution. The proposed amended code also provides details about the two applicable disclosure categories in a separate Appendix B.

In addition, the revised resolution adds the COSCA Manager and Associate Planner to COSCA's list of designated positions. These two employees already must file annual Conflict of Interest Statements pursuant to the City's Conflict of Interest Code, but because they can be considered employees of both COSCA and the City, adding them to COSCA's code as well will serve to clearly disclose their relationship to both organizations. These employees will not be required to file two separate Conflict of Interest Statements, as the same Statement can be used by both agencies.

A Joint Agency
City of Thousand Oaks/Conejo Recreation and Park District
2100 E. Thousand Oaks Blvd., Thousand Oaks, CA 91362

CONCLUSION:

The proposed amendments to COSCA's Conflict of Interest Code serve to clarify the agency's designated Conflict of Interest Statement filers and the disclosure categories that apply to them. Staff recommends that the Board of Directors approve Resolution No. 2008-02 containing these changes.

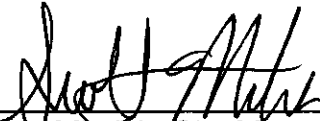
With the Board of Directors' approval, Staff will submit the revised code to the County Board of Supervisors for their review and approval.

Prepared by:

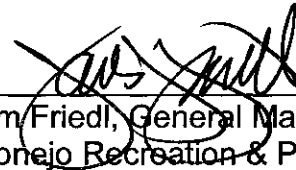
Submitted by:



Kristin E. Foord
COSCA Manager



Scott Mitnick, City Manager
City of Thousand Oaks



Jim Friedl, General Manager
Conejo Recreation & Park District

RESOLUTION NO.

98-1

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CONEJO OPEN SPACE CONSERVATION ADOPTING A CONFLICT OF
INTEREST CODE APPLICABLE TO MEMBERS OF A PUBLIC AGENCY
PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the Joint Exercise of Powers Agreement creating the Conejo Open Space Conservation Agency was approved by Resolution No. 77-383 of the City Council on October 18, 1977, and was approved by Resolution No. 101877-A of the Conejo Recreation and Park District on October 18, 1977; and

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

WHEREAS, on July 2, 1998, the Fair Political Practices Commission (FPPC) adopted a standard model Conflict of Interest Code set forth in Title 2 California Code of Regulations § 18730;

WHEREAS, the Conejo Open Space Conservation Agency has been designated as a public agency within the coverage of the Conflict of Interest Code.

NOW, THEREFORE, the Conejo Open Space Conservation Agency DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. ADOPTION OF CONFLICT OF INTEREST CODE. Agency Resolution No. 6 is hereby rescinded and superseded by this resolution and the terms of Title 2 California Code of Regulations § 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference.

Section 2. APPLICATION OF CODE. This Conflict of Interest Code shall be applicable to each person who is a member of the Board of Directors, Administrative Officers, Attorney, and Treasurer.

Section 3. FINANCIAL DISCLOSURE. Persons who are members of the Board of Directors, Administrative Officers, Attorney and Treasurer are required to disclose, in writing, their investments, interests in real property, and income pursuant to Government Code § 87200 et seq. No other or additional disclosure requirements are imposed by this Code.

Section 4. PLACE OF FILING: Designated persons shall file Statements of Economic Interests with the Agency. Upon receipt of the statement of a Board member or Chief Executive Officer, the Agency shall make and retain a copy and forward the original of the statement to the County Clerk. The statements of other designated persons of the Agency shall be retained by the Agency.

Section 5. REQUIRED FILINGS: Designated persons shall file Statements of Economic Interests as required by California Government Code and Code of Regulations.

Section 6. CIRCUMSTANCES REQUIRING DISQUALIFICATION. Any person who is a member of the Board of Directors, Administrative Officers, Attorney, and Treasurer must disqualify himself or herself from making, or participating in the making of, any decision when it is reasonably foreseeable that such a decision will have a material financial effect, distinguishable from its effect on the public generally, on any economic interest as defined in Government Code § 87103. However, as provided in Government Code § 87101, no such person shall be prevented from making, or participating in the making of, any decision to the extent his or her participation is legally required for the decisions to be made.


Section 7. DEFINITIONS. Except as otherwise indicated in this Code, the definitions found in the Political Reform Act of 1974 (see Government Code § 81000 et seq.) are incorporated in and shall apply to this Code.

Section 8. VIOLATIONS. Designated persons violating any provision of this section are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government code § 81000 - 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this section, or of Government Code § 87100 or 87450, has occurred may be set aside by the Superior court as void pursuant to Government Code § 91003.

Section 9. EFFECTIVE DATE. In accordance with Government Code § 87303, this Code shall become effective on the day it is approved by the Ventura County Board of Supervisors.

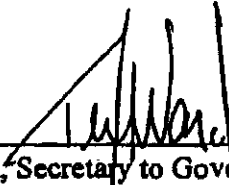
Section 10. The Secretary to the governing Board is directed to forward certified copies of the Resolution to the Fair Political Practices Commission and the Ventura County Board of Supervisors.

PASSED AND ADOPTED this



Rorie Skei, Chairperson
Conejo Open Space Conservation Agency

ATTEST:



Tex Ward, Secretary to Governing Board
Conejo Open Space Conservation Agency

APPROVED AS TO FORM:



Mark G. Sellers, Attorney
Conejo Open Space Conservation Agency

CCO: 635.60/em/cosca.res

RESOLUTION NO. 2008-02

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CONEJO OPEN SPACE CONSERVATION AGENCY
ADOPTING A CONFLICT OF INTEREST CODE
APPLICABLE TO MEMBERS OF A PUBLIC AGENCY
AND RESCINDING RESOLUTION NO. 98-1**

WHEREAS, the Joint Exercise of Powers Agreement creating the Conejo Open Space Conservation Agency was approved by Resolution No. 77-383 of the City Council of the City of Thousand Oaks on October 18, 1977, and was approved by Resolution No. 101877-A of the Conejo Recreation and Park District on October 18, 1977; and

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

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a standard model Conflict of Interest Code set forth in Title 2 California Code of Regulations § 18730; and

WHEREAS, the Conejo Open Space Conservation Agency has been designated as a public agency within the coverage of the Conflict of Interest Code.

NOW, THEREFORE, THE CONEJO OPEN SPACE CONSERVATION AGENCY DOES RESOLVE AS FOLLOWS:

Section 1. ADOPTION OF CONFLICT OF INTEREST CODE. The terms of Title 2 California Code of Regulations § 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference.

Section 2. DEFINITIONS. Except as otherwise indicated in this Code, the definitions found in the Political Reform Act 1974 (see Government Code § 81000 et seq.) are incorporated in and shall apply to this Code.

Section 3. APPLICATION OF CODE. This Conflict of Interest Code shall be applicable to each person designated in Exhibit A.

Section 4. FINANCIAL DISCLOSURE. Persons who are designated in Exhibit A shall file pursuant to applicable disclosure categories as defined in Exhibit B.

Section 5. PLACE OF FILING. Designated persons shall file Statements of Economic Interests with the Agency. Upon receipt of the statement of a Boardmember, Chief Executive Officer(s) or Officials, the Agency shall make and retain a copy and forward the original of the statement to the County Clerk with a copy retained by the Agency. The statements of other designated persons of the Agency shall be retained by the Agency.

Section 6. REQUIRED FILINGS. Designated persons shall file Statements of Economic Interests as required by California Government Code and Code of Regulations.

Section 7. CIRCUMSTANCES REQUIRING DISQUALIFICATION. Any person who is a member of the Board of Directors, Administrative Officers, Attorney, and Treasurer must disqualify themselves from making, or participating in the making of, any decision when it is reasonably foreseeable that such a decision will have a material financial effect, distinguishable from its effect on the public generally, on any economic interest as defined in Government Code § 87103. However, as provided in Government Code § 87101, no such person shall be prevented from making, or participating in the making of, any decision to the extent their participation is legally required for the decisions to be made.

Section 8. VIOLATIONS. Designated persons violating any provisions of this section are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code § 81000 – 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this section, or of Government Code § 87100 or 87450, has occurred may be set aside by the Superior Court as void pursuant to Government Code § 91003.

Section 9. EFFECTIVE DATE. In accordance with Government Code § 87303, this Code shall become effective on the day it is approved by the Ventura County Board of Supervisors and upon its effective date Agency Resolution No. 98-1 is hereby rescinded and superseded by this Resolution.

Section 10. The Secretary of the Governing Board is directed to forward a certified copy of this Resolution to the Ventura County Board of Supervisors.

Passed and Adopted

Rorie Skei, Chairperson
Conejo Open Space Conservation Agency

ATTEST:

Jim Friedl, Secretary
Conejo Open Space Conservation Agency

APPROVED AS TO FORM:

Amy Albano, Attorney
Conejo Open Space Conservation Agency

APPENDIX A

Disclosure Category
Refer to Appendix B

I. DESIGNATED COSCA OFFICERS AND OFFICIALS

A.	Boardmember	1
B.	Secretary	1
C.	Chief Administrative Officer	1
D.	Attorney	1
E.	Treasurer	1

II. DESIGNATED EMPLOYEES

A.	COSCA Manager	1
B.	Associate Planner	2

APPENDIX B

Disclosure categories pertain to investments, real property, loans or gifts from sources located in or doing business within the jurisdiction of the Conejo Open Space Conservation Agency (COSCA).

GENERAL PROVISIONS

Category 1

A. A designated Official, Officer, or employee in this category must report all investments, business positions, interest in real property, and income from any source in, or doing business in, the jurisdiction of COSCA pursuant to Government Code § 87200 et seq.

Category 2

A. A designated employee in this category must report all investments and business positions in business entities and income from sources in, or doing business in, the jurisdiction of COSCA which:

1. Are of the types, which engage in the appraisal, acquisition, disposal, development of real property, or rehabilitation or construction of improvements on real property including architects, contractors and subcontractors.

2. Are of the type which provide services, supplies, materials, machinery, or equipment of any type utilized by COSCA.

B. A designated employee in this category must report interests in real property located within the jurisdiction of COSCA.