

RESOLUTION NO. 2012-01

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED MARIN COUNTY REDEVELOPMENT AGENCY, ADOPTING A CONFLICT OF INTEREST CODE FOR THE OVERSIGHT BOARD PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(j)

WHEREAS, pursuant to Health and Safety Code section 34173(d), the County of Marin (“RDA Successor Agency”) is the successor agency to the dissolved Marin County Redevelopment Agency (“Agency”), confirmed by Resolution No. 2011-83 adopted on August 23, 2011; and

WHEREAS, the Oversight Board is deemed a local entity for the purpose of the Political Reform Act; and

WHEREAS, pursuant to the Political Reform Act and regulations promulgated thereunder by the Fair Political Practices Commission (FPPC), a newly established local entity is required to adopt a conflict of interest code; and

WHEREAS, the Oversight Board finds and determines that it is appropriate to adopt as its conflict of interest code the model conflict of interest code promulgated by the FPPC as set forth in this Resolution.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED MARIN COUNTY REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Pursuant to the Political Reform Act of 1974 , Government Code Section 87300 et seq and Section 18730 of Title 2 of the California Code of Regulations, the Board adopts the model conflict of interest code promulgated by the Fair Political Practices Commission of the State of California as set forth in Section 18730 of Title 2 of the California Code of Regulations, which model conflict of interest code is incorporated herein by reference and attached hereto as Exhibit A, which together with the list of designated positions and the disclosure categories applicable to each designated position as set forth in Section 3 and 5 of this Resolution, collectively constitutes the Board’s conflict of interest code. As the model conflict of interest code set forth in Section 18730 of Title 2 of the California Code of Regulations is amended from time to time by State law, regulatory action of the FPPC or juridical determination, the portion of the Board’s conflict of interest code comprising the model conflict of interest code shall be deemed automatically amended without further action to incorporate by reference all such amendments to the model conflict of interest code so as to remain in compliance therewith. Nothing in this Resolution shall supersede the independent applicability of government Code Section 87200.

Section 2. The definitions contained in the Political Reform Act of 1974 and in the regulations of the Fair Political Practices Commission and any amendments to either of the foregoing are incorporated by reference into this conflict of interest code

Section 3. The following are the designated Board positions, the holders of which shall be required to file statements of economic interest: Oversight Board Members.

Section 4. The code reviewing body for this conflict of interest code shall be the Board of supervisors of the County of Marin. This Conflict of Interest code shall be promptly submitted after its adoption to the Secretary to the Clerk of the Board of Supervisors. Oversight Board Members shall file Statements of Economic Interest with the Clerk of the Board of Supervisors for the County Of Marin.

Section 5. The Board finds and determined that the persons holding the positions set forth in Section 3 make or participate in the making of decisions which may foreseeably have material effect on financial interests.

Section 6. Each person holding a designated position set forth in Section 3 shall report in every disclosure category set forth in the statement of economic interests promulgated by the FPPC to the extent such category is applicable to such person pursuant to the rules and regulations of the FPPC. The disclosure categories as promulgated by the FPPC may be amended from time to time and such amendments shall not require amendment to this code or Resolution.

Section 7. Sections 3 and 6 of this Resolution constitute the Appendix referred to in subdivision (b)(2) of Section 18730 of Title 2 of the California Code of Regulations.

Section 8. Nothing in this Resolution is intended to modify or abridge the provisions of the Political Reform Act of 1974, Government Code Section 87300 et seq. The provisions of this Resolution are additional to the Political Reform Act and FPPC regulations. In the event any inconsistencies between the provisions of this Resolution and the Political Reform Act and/or FPPC regulations, the Political Reform Act and FPPC regulations shall govern.

Section 9. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Oversight Board hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

Section 10. The Principal Planner of the Marin County Community Development Agency, acting on behalf of the Oversight Board as its Staff, shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 13TH day of July, 2012 by the following vote:

AYES: Al Harrison, Leslie Alden, Gerald Norman, Terena Mares
Terrie Green

NOES:

ABSENT: Jonathan Logan, Mary Sue Burke

ABSTAIN:



Oversight Board Chairperson

ATTEST:



Oversight Board Staff

EXHIBIT A

CONFLICT OF INTEREST CODE FOR THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE DISSOLVED MARIN COUNTY REDEVELOPMENT AGENCY

Government Code section 87300 requires each state and local government agency to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission has adopted Section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a model conflict of interest code (hereinafter "Standard Code") which may be adopted by reference by any state or local agency which desires to do so. For the purpose of providing a conflict of interest code for the Oversight Board of the Successor Agency of the Dissolved Marin County Redevelopment Agency, the terms of the Standard Code and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and made a part hereof as if set forth herein at length, and, along with Exhibits 1 and 2 attached hereto, in which officials and employees are designated and disclosure categories are set forth, such Standard Code shall constitute the Conflict of Interest Code of the Oversight Board of the Successor Agency of the Dissolved Marin County Redevelopment Agency Board.

Pursuant to Section 4 of the Standard Code, designated employees shall file statements of economic interests with the Oversight Board of the Successor Agency of the Dissolved Marin County Redevelopment Agency. The original of these statements shall be filed with and maintained by the Clerk of the Marin County Board of Supervisors.

EXHIBIT "1"
Conflict of Interest Code
Disclosure Categories for
Oversight Board of the Successor Agency
of the Dissolved Marin County Redevelopment Agency

DESIGNATED EMPLOYEES

<u>Designated positions:</u>	<u>Type of interest required to be disclosed</u>
Oversight Board Members	All
Oversight Counsel	All
Oversight Board Staff	All

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

The Oversight Board may determine in writing that a particular consultant, although a "designated position", 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 described in this section. 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 Oversight Board'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.

Original Code Adopted: July 13, 2012
Biennial Revision:

EXHIBIT "2"

DISCLOSURE CATEGORIES FOR THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE DISSOLVED MARIN COUNTY REDEVELOPMENT AGENCY CONFLICT OF INTEREST CODE

Category 1: All investments and sources of income.

Category 2: All interests in real property.

Category 3: All investments, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the Oversight Board of the Successor Agency of the Dissolved Marin County Redevelopment Agency

Category 4: Investments in business entities and sources of income which engage in land development, construction or the acquisition or sale of real property.

Category 5: Interest in real property located within two miles of any land owned or used by the Oversight Board to the Successor Agency of the Dissolved Marin County Redevelopment Agency.

Category 6: Investments and business positions in business entities and sources of income of the type which, within the past two years, have contracted with the Oversight Board of the Successor Agency of the Dissolved Marin County Redevelopment Agency to provide services, supplies, materials, machinery or equipment.

Category 7: Investments and business positions in business entities and sources of income of the type which, within the past two years, have contracted with the designated employees of the Oversight Board of the Successor Agency of the Dissolved Marin County Redevelopment Agency to provide services, supplies, materials, machinery or equipment.