

### **Background**

Under the Political Reform Act, each California state agency is required to adopt a Conflict of Interest Code, which consists of the regulations that delineate the required disclosure of financial interests for each designated officer or employee of the agency. (See Government Code section 87302.) In 2006 the Board adopted the conflict of interest code for the Sierra Nevada Conservancy, and it became effective after approval by the Fair Political Practices Commission (FPPC) and the Office of Administrative Law, and submission to the Secretary of State. The Conservancy has grown since the initial code was adopted, and staff is proposing amendments to the Conservancy's conflict of interest code, (1) to be consistent with changes in staffing and reflecting titles used for staff positions, so that the code will be more understandable for the public; and (2) to reflect the Conservancy's grant issuing functions in disclosure categories. The FPPC provided guidance for conflict of interest codes for state conservancies, and that guidance is reflected in the proposed amendments.

### **Current Status**

Staff has prepared proposed amendments to the conflict of interest code. A notice of the proposed rulemaking action, an initial statement of reason, and the proposed amendments to the conflict of interest code of the Sierra Nevada Conservancy- have been filed with the Fair Political Practices Commission and the Office of Administrative Law (OAL), and are provided with this staff report. This Board meeting provides an opportunity for public comment on the proposed amendments, and the public comment period will run until June 10, 2010.

### **Next Steps**

After the close of the comment period, the proposed regulation language will be ready for approval by the Conservancy, followed by submission to the FPPC and the OAL. If there are few or no comments received, only minor amendments may be needed, if any. In that case, the Board may delegate authority to the Executive Officer to make minor changes and to complete the process. The code amendments could be completed and become effective prior to the next Board meeting.

### **Recommendation**

**Staff recommends that the Conservancy adopt the following resolution pursuant to Public Resources Code section 33300 et seq., including section 33325:**

**“The Sierra Nevada Conservancy has reviewed and considered the proposed amendments to its conflict of interest code, and hereby delegates authority to the Executive Officer and authorizes the Executive Officer to approve and adopt amendments to the conflict of interest code for the Sierra Nevada Conservancy in substantially the form proposed, including any necessary minor technical changes, and directs the Executive Officer to take the necessary actions to complete the rulemaking process, including filing documents as necessary with**

the Fair Political Practices Commission and the Office of Administrative Law. Should substantive changes to the proposed amendments be recommended, the Executive Officer is directed to present the revised package to the Board for approval.”

**PROPOSED AMENDMENTS TO CONFLICT OF INTEREST CODE FOR THE  
SIERRA NEVADA CONSERVANCY**

Title 14 California Code of Regulations

Section 25231. Conflict of Interest Code of the Sierra Nevada Conservancy

(a) 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 (2 Cal. Code of Regs. Sec. 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 amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Sierra Nevada Conservancy (Conservancy).

(b) Individuals holding designated positions shall file their statements with the Conservancy which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008) Upon receipt of the statements for the Members of the Board, Alternates and the Executive Officer, the Conservancy shall make and retain copies and forward the original to the Fair Political Practices Commission. All other statements will be retained by the Conservancy.

Appendix A

<i>Designated Position</i>	<i>Disclosure Categories</i>
Boardmembers and Alternates	1, 2, 3, 4
Executive Officer	1, 2, 3, 4
Assistant Executive Officer (CEA)	1, 2, 3, 4
Staff Counsel	1, 2, 3, 4
Staff Services Manager II	1, 2, 3, 4
Tahoe Conservancy Program Manager	1, 2, 3, 4
Conservancy Project Development Manager	1, 2, 3, 4
Tahoe Conservancy Program Analyst II	1, 2, 3, 4
Conservancy Project Development Analyst II,	1, 2, 3, 4
Conservancy Project Development Specialist	1, 2, 3, 4
B	
Associate Governmental Program Analyst (Procurement)	1, 2, 3, 4
Associate Governmental Program Analysis (Contracting)	1, 2, 3, 4
Consultants	*

\* The Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are 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 on that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as other statements filed in accordance with this conflict of interest code. (Gov. Code, Section 81008.)

**Appendix B**  
**Disclosure Categories**

Category 1

Individuals in this category must report all interests in real property located within or not more than two miles outside the boundaries of the region. The term region means the Sierra Nevada Region as described by Public Resources Code Section 333029(f).

Category 2

Individuals in this category must report all investments, and business positions in business entities, and sources of income, including gifts, loans and travel payments, from sources of the type which provide services, supplies, materials, goods or equipment of the type utilized by the Conservancy.

Category 3

Individuals in this category must report all investments, and business positions in business entities, and sources of income, including gifts, loans and travel payments, if the source is of the type to receive grants from the Conservancy.

Individuals in this category must also report all investments, and business positions in business entities, and sources of income, including gifts, loans and travel payments, if the source is of the type to sell property to a Conservancy grant applicant.

Category 4

Individuals in this category must report all investments, and business positions in business entities, and sources of income, including gifts, loans and travel payments, from sources of the type which engage in the preparation of reports, surveys, evaluations or investigations of the type used by the Conservancy, 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.

NOTE: Authority cited: Sections 33300 and 33325(b), Public Resources Code;  
Sections 87300 and 87304 Government Code  
Reference: Section 87300 et seq., Government Code