

MINUTE ITEM

This Calendar Item No. C55 was approved as Minute Item No. 55 by the California State Lands Commission by a vote of 3 to 0 at its 4-9-02 meeting.

CALENDAR ITEM

C55

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04/09/02
W 21070
L. Lloyd
M. Meier

**AMENDMENT OF CONFLICT OF INTEREST CODE REGULATIONS
IN TITLE 2, DIVISION 3, CHAPTER 1, ARTICLE 12.**

PARTY:

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

In compliance with Government Code Section 87306, staff has conducted a biennial review of the Commission's Conflict of Interest Code. As a result of the review, staff determined that the California State Lands Commission needs to modify the existing regulations and submit a substantive amendment to the Fair Political Practices Commission. These modifications include newly designating incumbents in three classifications because incumbents in these positions make or participate in the making of decisions which may foreseeably have a material financial effect on a financial interest.

Notice of the proposed amendments was published in the Notice Register on December 14, 2001, distributed to all California State Lands Commission employees and affected Unions. No requests for a formal public hearing were received and the agency has incorporated all comments received on the regulations during the written comment period.

Once approved, staff will submit the amended Conflict of Interest Code to the Fair Political Practices Commission for approval and then to the Office of Administrative Law for filing with the Secretary of State's office.

PERMIT STREAMLINING ACT DEADLINE:

N/A

EXHIBIT:

- A. The California State Lands Commission's Conflict of Interest Code Article 12 of 2 California Code of Regulations, Division 3, Chapter 1.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CALIFORNIA CODE OF REGULATIONS 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 OF 14 CALIFORNIA CODE OF REGULATIONS 15378.
2. DETERMINE THAT THERE HAS BEEN COMPLIANCE WITH SECTION 18750 OF THE FAIR POLITICAL PRACTICES COMMISSION, TITLE 2, DIVISION 6 OF THE CALIFORNIA CODE OF REGULATIONS.
3. ADOPT FOR FILING WITH THE FAIR POLITICAL PRACTICES COMMISSION AND THE OFFICE OF ADMINISTRATIVE LAW THOSE REGULATIONS SUBSTANTIALLY AS SET FORTH IN EXHIBIT "A", AND SUBSEQUENT FILING WITH THE SECRETARY OF STATE.
4. AUTHORIZE STAFF TO TAKE ALL STEPS NECESSARY TO GIVE EFFECT TO THE ABOVE DETERMINATIONS, APPROVALS AND DETERMINATIONS, INCLUDING THE MAKING OF MINOR MODIFICATIONS TO THE TEXT OF THE REGULATIONS SO AS TO COMPLY WITH COMMENTS FROM THE FAIR POLITICAL PRACTICES COMMISSION.
5. FIND THAT THE REGULATIONS WILL NOT AFFECT SMALL BUSINESSES AS DEFINED IN GOVERNMENT CODE §11342(h).
6. FIND THAT THE REGULATIONS WILL NOT HAVE A SIGNIFICANT IMPACT ON THE CREATION OR ELIMINATION OF JOBS OF NEW OR EXISTING BUSINESSES WITHIN CALIFORNIA, NOR WILL THEY HAVE AN ADVERSE ECONOMIC IMPACT ON BUSINESS, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESS IN OTHER STATES.
7. FIND THAT NO ALTERNATIVE WOULD BE MORE EFFECTIVE IN CARRYING OUT THE PURPOSE FOR WHICH THE REGULATIONS ARE PROPOSED OR WOULD BE AS EFFECTIVE AND BURDENSOME TO AFFECTED PRIVATE PERSONS THAN THE PROPOSED REGULATIONS.
8. AUTHORIZE THE COMMISSION STAFF TO MAKE MODIFICATIONS IN THE REGULATIONS IN RESPONSE TO RECOMMENDATIONS BY THE OFFICE OF ADMINISTRATIVE LAW.
9. DIRECT THE COMMISSION STAFF TO TAKE WHATEVER ACTION IS NECESSARY AND APPROPRIATE TO COMPLY WITH PROVISIONS OF THE GOVERNMENT CODE REGARDING ADOPTION OF THE REGULATIONS AND

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AMENDMENTS AND TO ENSURE THAT THE REGULATIONS BECOME EFFECTIVE.

10. DIRECT COMMISSION STAFF TO TAKE WHATEVER ACTION IS NECESSARY AND APPROPRIATE TO IMPLEMENT THE REGULATION AT SUCH TIME AS THEY BECOME EFFECTIVE.

EXHIBIT A

SECTION 2970. CONFLICT OF INTEREST CODE FOR THE STATE LANDS COMMISSION

The Political Reform Act, Government Code Sections 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 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the State Lands Commission.

Designated employees shall file statements of economic interests with their agencies. Upon receipt of the statement of the Executive Officer, the agency shall make and retain a copy and forward the original of this statement to the Fair Political Practices Commission. Statements for all other designated employees shall be retained with the agency which shall make the statements available for public inspection and reproduction. (Gov. Code Section 81008.)

DISCLOSURE CATEGORIES

Category 1

Designated employees assigned to this category must report:

Any interest in real property other than the principal residence of the filer unless such residence is on, above, or littoral to water.

Any investment in, loan to or from, or gift or income from a business entity that regularly engages in the acquisition, sale, or development of real property.

Category 2

Designated employees assigned to this category must report:

Any investment in, income or gift from, or loan to or from a public utility, title company, or any business entity which regularly prepares environmental impact reports or which engages in the exploration, production, transportation, exploitation, or sale of oil, gas or geothermal, or other energy resources or minerals (including, but not limited to, those enumerated in Public Resources Code section 6407), and any investment in, gift or income from, or loan to or from, a business entity which an employee knows or has reason to know is or will be directly subject to the jurisdiction of this agency.

Category 3

Designated employees assigned to this category must report:

Any investment in, income or gift from, or loan to or from a public utility, title company, or any business entity which provides services, equipment, leased space, materials or supplies which are the type utilized by this agency.

Category 4

Designated employees assigned to this category must report:

His or her position if the designated employee is a director, officer, partner, trustee, employee or holds any position of management in any business entity of the type described in Categories 1, 2, or 3.

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Category 5

Designated employees assigned to this category must report:

Income from persons whom the designated employee knows, or has reason to know, has applied for a position with the State Lands Commission, or is currently employed with the State Lands Commission.

DESIGNATED POSITIONS

ASSIGNED DISCLOSURE CATEGORIES

Accountant, all levels	1, 2, 3, 4
Accounting Officer, all levels	1, 2, 3, 4
Administrative Assistant, all levels	1, 2, 3, 4
Assistant Chief Counsel	1, 2, 3, 4
Assistant Chief, MRM Division	1, 2, 3, 4
Assistant Executive Officer	1, 2, 3, 4
Assistant Manager, Land Operations	1, 2, 3, 4
Associate Personnel Analyst	1, 2, 3, 4, 5
Auditors, all levels in all fields	1, 2, 4
Boundary Determination Officer, all levels	1, 2, 4
Budget Analyst, all levels	1, 2, 3, 4
Business Services Assistant	1, 2, 3, 4
Business Services Officer, all levels	1, 2, 3, 4
CEA, all levels in any unit of the Commission	1, 2, 3, 4
Consultant, all levels in any unit of the Commission	1, 2, 4 *
Energy Commission Specialist, all levels	1, 2, 4
Engineer, all levels in all fields	1, 2, 4
Environmental Program Manager, all levels	1, 2, 4
Environmental Scientist, all levels	1, 2, 4
Executive Assistant	1, 2, 3, 4
Executive Officer	1, 2, 3, 4
Forester, all levels	1, 2, 3, 4
Geologist, all levels in all fields	1, 2, 4
Governmental Program Analysts, all levels	

DESIGNATED POSITIONS

ASSIGNED DISCLOSURE CATEGORIES

Graduate Legal & Graduate Student Assistants	1, 2, 4
Information Officer, all levels	1, 2, 3, 4
Information Systems Analyst, all levels	1, 2, 3, 4
Legal Assistant	1, 2, 3, 4
Legal Support Supervisor, all levels	1, 2, 3, 4
Management Analyst, all levels	1, 2, 3, 4
Marine Facilities Inspection & Management Division, Chief	1, 2, 3, 4
Marine Facilities Inspection & Management Division, Assistant Chief	1, 2, 3, 4
Marine Safety Operations Supervisor	1, 2, 3, 4
Marine Safety Specialist	1, 2, 3, 4
Marine Safety Supervisor	1, 2, 3, 4
Marine Safety Inspector	1, 2, 3, 4
Mineral Resources Engineer	1, 2, 4
Personnel Services Specialist, all levels	1, 2, 4, 5
Mineral Resources Inspector, all levels	1, 2, 4
Planner, all levels	1, 2, 3, 4
Programmer, all levels	1, 2, 4
Programmer Analyst, all levels	1, 2, 4
Public Land Management Specialist, all levels	1, 2, 4
Public Land Manager, all levels	1, 2, 3, 4
Records Management Analyst, all levels	1, 2, 3, 4
Records Manager, all levels	1, 2, 3, 4
Research Analyst, all levels	1, 2, 4
Research Program Specialist, all levels	

DESIGNATED POSITIONS

ASSIGNED DISCLOSURE CATEGORIES

Staff Counsel, all levels in any unit of the Commission	1, 2, 3, 4
Staff Service Analyst	1, 2, 3, 4
Staff Service Analyst, Personnel Office	1, 2, 3, 4, 5
Staff Services Manager, all levels	1, 2, 3, 4
Staff Services Manager, Personnel Office	1, 2, 3, 4, 5
Supervisor, Office Services	1, 2, 3, 4
Title Specialist, all levels	1, 2, 4

*With respect to consultants, the Executive Officer, however, 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 Executive Officer'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.