

OVERSIGHT BOARD RESOLUTION NO. 2012-06

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE MISSION VIEJO ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Community Development Agency of the Mission Viejo ("Agency") was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.* ("CRL"), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Mission Viejo ("City"); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012 under the dates in the Dissolution Act that were reformed and extended thereby; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council at an open public meeting the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

WHEREAS, pursuant to Section 34179 the Successor Agency's Oversight Board has been formed and is holding regular meetings; and

WHEREAS, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to the California Political Reform Act of 1974, Government Code Section 81000, *et seq.* ("PRA"), in particular Section 87303, and the implementing regulations to the PRA set forth in California Code of Regulations, Title 2, Division 6, Section 81110, *et seq.* as promulgated by the Fair Political Practices Commission ("FPPC"), conflict of interest codes are not effective until they have been approved by the public agency's code reviewing body; and

WHEREAS, based on an advice letter issued by the FPPC dated April 25, 2012, the Oversight Board's code reviewing body is the City Council of the City of Mission Viejo ("City Council") and the City's conflict of interest code, which has been previously approved by the City Council; and

WHEREAS, the Oversight Board desires to adopt the City's conflict of interest code as its own conflict of interest code pursuant to the PRA; and

WHEREAS, under the Dissolution Act, the actions of the Oversight Board, including the action approved by this Resolution, do not become effective for three (3) business days pending any request for review by the DOF, and if the DOF requests review hereof, DOF will have 10 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE MISSION VIEJO:

The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

Pursuant to the PRA and Regulations, the Oversight Board adopts the City of Mission Viejo's conflict of interest code as its own conflict of interest code.

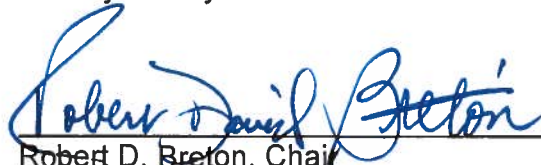
The Oversight Board authorizes the Successor Agency to transmit this Resolution to the DOF and the FPPC.

The City Manager or his authorized designee is directed to post this resolution on the City/Successor Agency website pursuant to the Dissolution Act.

This Resolution shall be effective after transmittal of this Resolution with the conflict of interest code attached to the DOF and the expiration of three (3) business days pending a request for review by the DOF within the time periods set forth in the Dissolution Act; in this regard, if the DOF requests review hereof it will have 10 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

The Secretary of the Oversight Board shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 23rd day of May 2012.



Robert D. Breton, Chair
Oversight Board of the Successor Agency to the
Community Development Agency of the
Mission Viejo

ATTEST:



Sherry Merrifield, Secretary
Oversight Board of the Successor Agency
to the Community Development Agency of the Mission Viejo

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF MISSION VIEJO)

I, Sherry Merrifield, Secretary of the Oversight Board of the Successor Agency to the Community Development Agency of the Mission Viejo, hereby certify that the foregoing resolution was duly adopted by the Oversight Board at a special meeting held on the 23rd day of May 2012, and that it was so adopted by the following vote:

AYES: Board Member Dyas, Board Member Hampton, Board Member Imburgia; Vice-Chairperson Probolsky and Chairperson Breton

NOES: None

ABSENT: Board Member Fitzsimons, Board Member Ury



Sherry Merrifield, Secretary
Oversight Board of the Successor Agency to the
Community Development Agency of the
Mission Viejo

ATTACHMENT 1

City of Mission Viejo Conflict of Interest Code

SECTION 1. Purpose. The purpose of this Conflict of Interest Code of the City of Mission Viejo is to incorporate by reference the terms of Section 18730 of Title 2 of the California Code of Regulations pertaining to Conflict of Interest Codes, and to establish a List of Designated Positions which is attached hereto as Appendix A.

SECTION 2. Designated Positions. The persons listed in Appendix A are designated positions. Officers and employees holding those positions are designated employees and are deemed to make, or participate in the making of decisions which may foreseeably have a material effect on a financial interest. Individual consultants may be designated employees, as determined by the City Manager.

SECTION 3. Incorporation by Reference of Section 18730 of Title 2 of the California Code of Regulations. Section 18730 of Title 2 of the California Code of Regulations and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Mission Viejo.

SECTION 4. Place of Filing for Statements of Economic Interest. Persons occupying designated positions shall file statements of Economic Interests with the City Clerk of the City of Mission Viejo.

APPENDIX A

DESIGNATED MISSION VIEJO EMPLOYEES AND DISCLOSURE CATEGORIES

The following positions entail the making or participation in the making of decisions, which may foreseeably have a material effect on financial interests:

Accounting Manager.....	1
Animal Services Manager	1
Assistant City Attorney.....	1
Assistant City Clerk.....	1
Assistant City Engineer.....	1
Assistant City Manager/Director of Administrative Services.....	1
Assistant Planner.....	1
Associate Engineer.....	1
Budget and Research Manager.....	1
Building Manager.....	1
Circulation Services Manager.....	1
Chief of Police	1
City Clerk/ Director of Community Relations.....	1
City Engineer	1
Code Enforcement Officer.....	1
Code Enforcement Supervisor	1
Community and Senior Center Administrator	1
Community Services Commissioners.....	1
Community Services Manager.....	1
Community Services Supervisor.....	1
Consultant	(see footnote 1/)
Deputy City Manager/Community Relations and Communication Manager.....	1
Director of Community Development	1
Director of Library and Cultural Services.....	1

1/ Consultants shall be included in the list of designated employees and shall disclose all of the information required to be disclosed by designated employees subject to the following limitation:

The City Manager 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 disclosure shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager’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.

Director of Information Technology.....	1
Director of Public Services	1
Director of Public Works.....	1
Director of Recreation and Community Services	1
Emergency Services Manager.....	1
Environmental Program Administrator.....	1
Exempt Officials.....	(see footnote 2/)
Facilities Maintenance Superintendent.....	1
Fire Chief.....	1
Human Resources Analyst.....	1
Human Resources Manager.....	1
Information Technology Manager	1
Information Technology Specialist.....	1
Investment Advisory Commissioners	1
Library Manager.....	1
Management Analyst	1
Planning Manager	1
Program Engineer.....	1
Public Services Contract Administrator.....	1
Public Services Operations Manager.....	1
Public Services Supervisor.....	1
Purchasing Analyst	1
Senior Accountant.....	1
Senior Librarian	1
Senior Management Analyst.....	1
Senior Public Services Contracts Administrator.....	1
Senior Public Works Inspector	1
Traffic/Transportation Engineer.....	1
Transportation Analyst.....	1
Transportation Manager.....	1
Treasury Assistant.....	1
Treasury Manager.....	1

2/ The Mayor, City Council, Members of the Planning and Transportation Commission, City Manager, City Attorney, City Treasurer, and Director of Administrative Services are all required to file disclosure statements pursuant to state law and thus are not included herein.