



BOARDS AND

WARD: 17 Voter Registration: yes
 Interviewed: _____
 Term Dates: _____
 Reactivated: _____

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MAY 6 2016

City of Riverside
 City Clerk's Office
 Date Received, For Official Use Only

BOARD(S) OR COMMISSION(S) APPLYING FOR: Board of Ethics

☒ Mr. Tucker Wendel W
☐ Ms. _____
 LAST NAME FIRST NAME M.I.

HOME ADDRESS _____ ZIP _____ PHONE _____

Retired _____
 EMPLOYER JOB TITLE E-MAIL ADDRESS

BUSINESS ADDRESS _____ ZIP _____ BUSINESS PHONE _____

LENGTH OF RESIDENCE IN CITY OF RIVERSIDE <u>31</u> YEARS <u>10</u> MONTHS	*ARE YOU A REGISTERED VOTER OF THE CITY OF RIVERSIDE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	*HAVE YOU EVER BEEN CONVICTED OF A CRIME OF MORAL TURPITUDE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DO YOU HAVE ADEQUATE TIME TO SERVE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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*Eligibility requirement per City Charter Section 805.
 Applications may be screened on the basis of information submitted with this form.
 You are welcome to provide a resume and/or letters of endorsement.

WHY YOU WANT TO SERVE ON A CITY BOARD OR COMMISSION: I have been a resident of Riverside for nearly 32 yrs. I believe in volunteering and serving your community. I have a long record of civic and community service. Professional ethics is an important aspect of a democratic society. It is my desire to continue serve the City of Riverside

EXPERIENCE OR SPECIAL KNOWLEDGE PERTAINING TO AREA(S) OF INTEREST: Professional educator for 45 years most of them in administration. I have taught ethical leadership at CSUSB and La Sierra Univ. I have chaired many taskforces, boards and organizations.

EDUCATIONAL BACKGROUND: BA+MA - History PhD Educational Leadership

OCCUPATIONAL EXPERIENCE: 45 years - Teacher, Principal, University Vice Pres. Asst. Supt. for Operations, Superintendent

PROFESSIONAL OR TECHNICAL ORGANIZATION MEMBERSHIPS:

CA School Bd Assoc. National School Bd Association

Previously - Educational administration associations as necessary for position held

CIVIC OR COMMUNITY EXPERIENCE, MEMBERSHIPS, OR PREVIOUS PUBLIC SERVICE APPOINTMENTS:

Multiple City Taskforces, Riv Public Library Trustee, Parkview Hosp Board
Riverside Art Museum Board, Raincross Group, Riv County Bd of Ed

- AIRPORT COMMISSION*

- COMMUNITY POLICE REVIEW COMMISSION

- CULTURAL HERITAGE BOARD*

- COMMISSION ON DISABILITIES

- BOARD OF ETHICS

- HUMAN RELATIONS COMMISSION

- HUMAN RESOURCES BOARD

X BOARD OF LIBRARY TRUSTEES*

- MAYOR'S COMMISSION ON AGING

- METROPOLITAN MUSEUM BOARD

- PARK AND RECREATION COMMISSION*

- PLANNING COMMISSION*

- BOARD OF PUBLIC UTILITIES*

- TRANSPORTATION BOARD*

Greater Riv. Chambers of Commerce

* A Statement of Economic Interests is required. Any information listed on this application is a matter of public record and will be disclosed upon request.

Under existing California law, a member of a board or commission may not make, participate in making, or attempt to influence a governmental decision if it is reasonably foreseeable that the decision could have a material financial effect on that member, the member's immediate family, or any of his or her financial interests. There is also a special category of conflicts of interest which strictly forbids members and/or their employers from having financial interests in city contracts. Careful consideration should be given to this issue and applicants are encouraged to contact the City Clerk's Office if they have any questions.

COMMUNITY POLICE REVIEW COMMISSION:

Have you ever been convicted of a felony or misdemeanor? ☐ Yes ☐ No

CPRC applicants must undergo a limited background check by the Police Department prior to serving on the Commission due to the sensitivity and confidentiality of the materials you will review that have certain legal restrictions. The background check consists of the following:

Completion of a Background Personal Information form; live scan fingerprint process through the FBI and Department of Justice, a local police records check, a records check of the National Crime Information Center (NCIC), and a DMV records check that includes vehicles registered to the applicant. The purpose of the DMV records check is due to liability issues since Commissioners occasionally drive their personal vehicles to public outreach events. The background check takes approximately two weeks to complete.

CULTURAL HERITAGE BOARD:

If applying for membership on the Cultural Heritage Board, please complete and return a supplemental application.

COMMISSION ON DISABILITIES:

If applying for membership on the Commission on Disabilities, please complete and return a supplemental application.

HUMAN RELATIONS COMMISSION:

So far as is reasonably possible, the Human Relations Commission shall include representation in the following fields: education, medicine, health and welfare, law, real estate, industry, business, finance, law enforcement, and labor. Further, the diversity of the Commission is important to achieving its stated objective.

Please state your field of endeavor as it applies to the Human Relations Commission: _____

MAYOR'S COMMISSION ON AGING:

Members must be at least 55 years old and not be a paid representative of an elder service.

Are you age 55 or older?

☐ Yes

☐ No

Are you a paid representative of an elder service?

☐ Yes

☐ No

NOTICE REGARDING INCOMPATIBLE OFFICES

Under existing California law, no member of City boards or commissions may simultaneously hold two public offices that are incompatible. (California Government Code Section 1099)

Offices are incompatible if one of the offices has supervisory, auditory or removal power over the other, if there would be any significant clash of duties or loyalties between the offices, or if public policy considerations make it improper for one person to hold both offices.

Do you currently hold a position as an appointed or elected member of a governmental board, commission, committee, or other body? ☒ Yes ☐ No

If "Yes", please state position: Elected - Riverside County Board of Education

Members of boards and commissions are covered by Workers' Compensation insurance while serving and must complete a fingerprinting prior to commencement of service.

Please call the City Clerk's Office at 826-5557 or visit RiversideCA.gov/city_clerk for more information.

RETURN TO: City Clerk's Office, City Hall, 3900 Main Street, 7th floor, Riverside, CA 92522

SIGNATURE: _____

DATE: 5-6-16

THANK YOU FOR YOUR INTEREST IN THE CITY OF RIVERSIDE.

How did you learn about the Board and Commission vacancies?

☐ Newspaper ☐ Utility Bill Insert ☐ Web Site ☐ Other _____

Are you interested in being contacted by the Registrar of Voters to volunteer as a poll worker? ☐ Yes ☐ No

This information will be detached from your application and used for research and statistical purposes only.

Wendell Tucker Application

From: "Wilson, Susan" <SWILSON@riversideca.gov>
Date: May 19, 2016 at 1:54:48 PM CDT
To: "Nicol, Colleen" <CNicol@riversideca.gov>, "Hansen, Robert" <RHansen@riversideca.gov>
Cc: "Farmer, Cecilia" <CFarmer@riversideca.gov>, "Smith, Kristi" <Ksmith@riversideca.gov>
Subject: Wendell Tucker/Incompatibility of Offices; Our File No. 16-0741

Wendell Tucker is an elected member of the Riverside County Board of Education and has applied to be on the City's Board of Ethics.

The purpose of the Board of Ethics is "to advise and make recommendations to the City Council of the City of Riverside on all matters pertaining to the adoption, revision, administration, and enforcement of the Code of Ethics and Conduct for the City of Riverside . . . and to conduct hearings upon complaints." (RMC 2.80.020). The Code of Ethics is applicable to the Mayor, City Councilmembers and all members of appointed boards, commissions and committees. (RMC 2.78.010)

The Riverside County Board of Education, in general, hears appeals for student expulsions, rules upon charter school petitions, adopts the budget and approves contracts for the County Superintendent of schools.

In order for there to be an incompatibility of offices issue, there must be the potential of conflict between the two offices. I could not find an example where the RCOE or the BOE would consider similar issues or rule upon an issue that would affect the other. Without such example, I found no incapability of offices. I have included Bob on this email, as he is more familiar with the COE than I am.

Here is the supporting law: Government Code section 1099, entitled "Simultaneous occupation of incompatible public offices," prohibits holding two incompatible offices:

"A public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee, or other body, shall not simultaneously hold two public offices that are incompatible. Offices are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:

- (1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body.
- (2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.
- (3) Public policy considerations make it improper for one person to hold both offices."

The law further provides that "when two public offices are incompatible, a public officer shall be deemed to have forfeited the first office upon acceding to the second." In 2006, the City amended

Riverside Municipal Code section 2.10 to apply such prohibition to members of City boards and commissions.

The California Attorney General has issued several opinions, which give guidance as to determining whether offices are incompatible. In 85 Ops.Cal.Atty.Gen. 60, 61 (2002), the following was noted:

" . . . Offices are incompatible if one of the offices has supervisory, auditory, or removal power over the other or if there would be any significant clash of duties or loyalties in the exercise of official duties. Only one potential significant clash of duties or loyalties is necessary to make offices incompatible. If the performance of the duties of either office could have an adverse effect on the other, the doctrine precludes acceptance of the second office. If the second office is accepted, such acceptance constitutes an automatic resignation from the first office. [Citations][emphasis added]."

"[O]nly one significant clash of duties and loyalties is required to make... offices incompatible...." (37 Ops.Cal.Atty.Gen. 21, 22 (1961).) Furthermore, "[t]he existence of devices to avoid... [conflicts] neither changes the nature of the potential conflicts nor provides assurance that they would be employed...." (38 Ops.Cal. Atty.Gen. 121, 125 (1961).) Accordingly, the ability to abstain when a conflict arises will not excuse the incompatibility or obviate the effects of the doctrine. A public officer who enters upon the duties of a second office automatically vacates the first office if the two are incompatible. (58 Ops.Cal.Atty.Gen. 109, 111 (1975).)

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