

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

820A



FROM: County Counsel

SUBMITTAL DATE: March 3, 2003

SUBJECT: Approval of the amended appendix to the Conflict of Interest Code for the March Joint Powers Authority

RECOMMENDED MOTION: That the Board of Supervisors approve the amended appendix for the conflict of interest code submitted by the March Joint Powers Authority

BACKGROUND: Government Code Section 87306.5 requires that all local agencies review their codes and make any appropriate amendments to their conflict of interest codes, and the listing of designated positions for employees who must disclose along with the types of disclosure required.

The March Joint Powers Authority recently revised the appendix for its conflict of interest code and has submitted the revised appendix for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the revised appendix and has found that it complies with statutory requirements. It is recommended that the new appendix be approved and that the clerk notify the Authority of the action taken.

Lee A. Vinocour

LEE A. VINOCOUR
Deputy County Counsel

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C.E.O. RECOMMENDATION:

APPROVE

Ann Brandt

County Executive Office Signature

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

MARCH JOINT POWERS AUTHORITY

(Amended December 18, 2002)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Authority Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the Authority's Code but are subject to the disclosure requirements of the Act. (Government Code Section 87200 *et seq.*). [Regs. § 18730(b)(3)]

It has been determined that the positions listed below are officials who manage public investments^{3/}: These positions are listed here for informational purposes only.

Members of the Joint Powers Commission

Executive Director

Financial Consultants^{4/}

^{3/} Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Airport Operations Manager	6
Director of Operations	1, 2
Facilities Manager	3, 6
Finance Manager	4, 5
General Counsel	1, 2
Planning Manager	3, 5
Consultant ^{4/}	

^{4/} Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Executive Director 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 upon that description, a statement of the extent of disclosure requirements. The Executive Director'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.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in, and sources of income from, business entities that do business or own real property within the jurisdiction of the Agency, plan to do business or own real property within the jurisdiction of the Agency within the next year, or have done business or owned real property within the jurisdiction of the Agency within the past two (2) years.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the Agency.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Agency, plan to engage in such activities within the jurisdiction of the Agency within the next year, or have engaged in such activities within the jurisdiction of the Agency within the past two (2) years.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Agency.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

RESOLUTION NO. JPA-02-13

RESOLUTION OF THE JOINT POWERS COMMISSION OF
THE MARCH JOINT POWERS AUTHORITY AMENDING THE
APPENDIX OF THE CONFLICT OF INTEREST CODE
PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 *et seq.* (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the March Joint Powers Authority (the "Authority"), and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Members of the Joint Powers Commission adopted a Conflict of Interest Code (the "Code") which was amended on November 18, 1998, in compliance with Government Code section 81000, *et seq.*; and

WHEREAS, subsequent changed circumstances within the Authority have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Appendix of the Authority's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the Authority being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Members of the Joint Powers Commission of the Authority, the proposed amended Appendix was provided each designated employee and publicly posted for review at the offices of the Authority; and

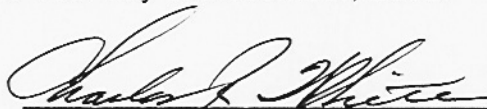
WHEREAS, a public meeting was held upon the proposed amended Appendix at a regular meeting of the Members of the Joint Powers Commission on December 18, 2002, at which all present were given the opportunity to be heard on the proposed amended Appendix.

NOW, THEREFORE, BE IT RESOLVED by the Members of the Joint Powers Commission of the March Joint Powers Authority that the Members of the Joint Powers Commission hereby adopt the proposed amended Appendix of the Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Executive Secretary

with a complete copy of the Authority's Conflict of Interest Code and available for inspection to the public.

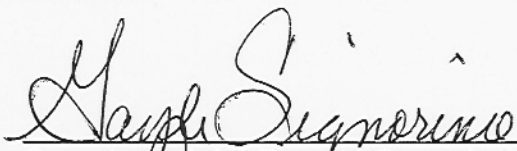
BE IT FURTHER RESOLVED that the said amended Appendix of the Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of Riverside for approval and said amended Appendix shall become effective 30-days after the Board of Supervisors approves the proposed amended Appendix as submitted.

APPROVED AND ADOPTED this 18th day of December, 2002.



Chairman, Joint Powers Commission
March Joint Powers Authority

ATTEST:



Secretary, Joint Powers Commission
March Joint Powers Authority