

606 A

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



**FROM:** County Counsel

**SUBMITTAL DATE:** September 15, 2008

**SUBJECT:** Approval of the Conflict of Interest Code for the Coachella Valley Mosquito and Vector Control District

**RECOMMENDED MOTION:** That the Board of Supervisors approve the revised Conflict of Interest Code submitted by the Coachella Valley Mosquito and Vector Control District.

**BACKGROUND:** Government Code section 87306.5 requires that all local agencies review their Conflict of Interest Code, and the listing of designated positions for employees who must disclose along with the types of disclosure required, and make appropriate amendments to each as required.

The Coachella Valley Mosquito and Vector Control District recently revised its Conflict of Interest Code and has submitted it for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the revised code and has found that it complies with statutory requirements. It is recommended that the Coachella Valley Mosquito and Vector Control District's revised code be approved and that the Clerk of the Board notify the Agency of the action taken.

B.T. Miller, Deputy County Counsel for  
JOE S. RANK, County Counsel

**C.E.O. RECOMMENDATION:**

Policy  
 Polit

APPROVE

By   
Tina Grande

County Executive Office Signature

Consent  
 Consent

Department Recommendation:  
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

2.12

RESOLUTION NO.2008-13

A RESOLUTION OF THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT ADOPTING A CONFLICT OF INTEREST CODE.

WHEREAS, the Coachella Valley Mosquito and Vector Control District ("District") is a special district and local government agency required by Government Code Section 87300 to promulgate a Conflict of Interest Code; and

WHEREAS, amendments to the Political Reform Act, Government Code sections 81000, et seq., have and foreseeably will require local agencies to amend their conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a provision at Title 2, section 18730 of the California Code of Regulations which sets forth the terms of a standard model conflict of interest code which may be incorporated by reference so as to constitute the adoption of a Conflict of Interest Code by the District; and

WHEREAS, the provisions of Title 2, section 18730 of the California Code of Regulations require the formulation of disclosure categories in addition to incorporation by reference of its terms.

WHEREAS, the Conflict of Interest Code is effective upon approval, by the Riverside County Board of Supervisors.

NOW, THEREFORE, the Board of Trustees of the Coachella Valley Mosquito and Vector Control District does hereby resolve as follows:

PART 1: That all previously adopted resolutions and ordinances approving various Conflict of Interest Codes for the Coachella Valley Mosquito and Vector Control District are hereby rescinded.

PART 2: That the Coachella Valley Mosquito and Vector Control District hereby adopts a Conflict of Interest Code as follows:

CONFLICT OF INTEREST CODE

A. Code Adopted. The terms of Title 2, section 18730 of the California Code of Regulations as presently constituted or amended by the FPPC are hereby incorporated by reference to operate, along with the balance of this Resolution, as the Conflict of Interest Code for the Coachella Valley Mosquito and Vector Control District. A copy of said section 18730 effective as of the date of this Resolution is attached hereto as Appendix C. Appendix C along with the disclosure categories attached in Appendices A and B, and the provisions of this Resolution constitute the Conflict of Interest Code of the Coachella Valley Mosquito and Vector Control District.

B. Filing. Pursuant to Title 2, section 18730(b)(4) of the California Code of Regulations, those employees designated in Appendix A shall file statements of

economic interest with the Finance Manager to whom the Board of Trustees of the Coachella Valley Mosquito and Vector Control District hereby delegates the authority to carry out the duties of filing officer.

C. Public Investments. Those persons who manage public investments and are covered by Title 2, section 18720 of the California Code of Regulations will file statements of economic interests pursuant to Government Code section 87200 as required by the FPPC instead of being designated by this Conflict of Interest Code.

D. Prohibition Concerning Prospective Employment. No District employee shall make, participate in making, or otherwise use his or her official position to influence any governmental decision directly relating to any person with whom he or she is negotiating or has any arrangement concerning, prospective employment. For purposes of this Resolution, the term "person" includes any natural person, corporation or other form of business entity and extends to any of its agents.

E. Conflict Training. Those employees listed in Appendix A shall be required to attend training required by Government Code section 53235.

F. Violations. Violations of this Conflict of Interest Code by any employee listed in Appendix A may result in discipline up to and including termination. Alleged violations of this Code by an employee shall be processed as otherwise provided in the District's personnel policies and procedures.

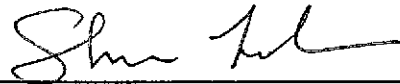
PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Coachella Valley Mosquito and Vector Control District at a regular meeting held on the 12 day of AUGUST, 2008.

Date: 8/12/2008



Bruce Underwood  
President, Coachella Valley Mosquito and Vector  
Control District

Date: 8/12/2008



Sharon Lock  
Secretary/Treasurer Coachella Valley Mosquito and  
Vector Control District

APPENDIX A

The following designated employees make or participate in the making of decisions, which may have a material effect on a financial interest:

<u>Designated Positions</u>	<u>Disclosure Category</u>
General Manager	I, II, III
Assistant to the General Manager	I, II, III
Public Information Officer	I, II, III
<del>Admin. Services Manager</del>	<del>I, II, III</del>
Operations Manager	I, II, III
Scientific Operations Manager	I, II, III
<del>Finance Administrator</del>	<del>I, II, III</del>
<del>Finance Manager</del>	<del>I, II, III</del>
<del>Administrative Assistant</del>	<del>I, II, III</del>
<del>Human Resources Manager</del>	<del>I, II, III</del>
Consultants <sup>1</sup>	I, II, III
Any other employee at the discretion of the General Manager	

<sup>1</sup>The General 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 determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General 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.

FORM APPROVED COUNTY COUNSEL

BY: B. T. Miller 9/15/08  
 BEAUFORD T. MILLER, JR. DATE

## Appendix B

### CATEGORY NO. I: INTERESTS IN REAL PROPERTY

Category I relates to real property which is located in part or in whole in the jurisdiction of the Coachella Valley Mosquito and Vector Control District ("CVMVCD"). As used in this section "jurisdiction" includes: (1) within the jurisdictional boundaries of CVMVCD, (2) within two miles of the jurisdictional boundaries of CVMVCD, or (3) within two miles of land located outside of the jurisdictional boundaries of the Coachella Valley Mosquito and Vector Control District which is owned or used by CVMVCD.

Category I, "interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is two thousand dollars (\$2,000) or more. Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest of greater. The \$2,000 threshold referenced in this category applies to the value of the interest, not to the value of the property itself.

The terms "interest in real property" and "leasehold interest" does not include the interest of a tenant in a periodic tenancy of one month or less.

CATEGORY NO II:

PERSONAL INCOME

Category II relates to income. "Income" means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater.

(a) "Income," other than a gift, does not include income received from any source outside the jurisdiction of CVMVCD, not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this Code. For purposes of this category, "jurisdiction" is limited to the jurisdictional boundaries of CVMVCD and does not include any radius around it.

(b) "Income" also does not include:

(1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100 of the Government Code).

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

(3) Any devise or inheritance.

(4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

(5) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

(A) The loan is secured by the principal residence of the employee; or

(B) The balance owed does not exceed ten thousand dollars (\$10,000).

(9) Any loan from or payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan or loan payment received from any such person shall be considered income if he or she is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed ten thousand dollars (\$10,000).

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.

CATEGORY NO. III:

BUSINESS ENTITIES

Category III relates to business entities, including parents, subsidiaries or otherwise related business entities, which (1) have an interest in real property located in part or in whole within the jurisdictional boundaries of CVMVCD, within two miles thereof or within two miles of land owned or used by CVMVCD, (2) do business or plan to do business within the jurisdictional boundaries of CVMVCD or (3) have done business within the jurisdictional boundaries of CVMVCD at any time during the two years prior to the time that the disclosure statement of the relevant designated employee is filed. "Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

Category III includes any investment in a business entity. Investment means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the filer, or his or her immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially a 10-percent interest or greater.

Category III includes the disclosure of any business position held by the filer. "Business position" means any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction or has done business in the jurisdiction at any time during the two years prior to the date the statement is required to be filed.