

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

719A



FROM: County Counsel

SUBMITTAL DATE: April 23, 2009

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

RECOMMENDED MOTION: That the Board of Supervisors approve the amended Conflict of Interest Code submitted by the March Joint Powers Authority.

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 March Joint Powers Authority recently revised its Conflict of Interest Code by amending Appendix Exhibit "A" to its code and has submitted it for approval by the Board of Supervisors as the code reviewing body.

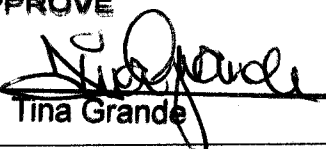
This office has reviewed the revised code and has found that it complies with statutory requirements. It is recommended that the March Joint Powers Authority's revised code be approved and that the Clerk of the Board notify the Agency of the action taken.

  
B.T. Miller, Jr., Deputy County Counsel for  
PAMELA J. WALLS, County Counsel

C.E.O. RECOMMENDATION:

APPROVE

BY:

  
Tina Grande

County Executive Office Signature

Policy  
 Poli

Consent  
 Consent

Department Recommendation:  
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

2.6

**APPENDIX**

**CONFLICT OF INTEREST CODE**

**OF THE**

**MARCH JOINT POWERS AUTHORITY**

**(Amended April 15, 2009)**

**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<sup>4</sup>: These positions are listed here for informational purposes only.

Members of the Joint Powers Commission

Executive Director

Financial Consultants

<sup>4</sup> 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><br><u>TITLE OR FUNCTION</u> | <u>DISCLOSURE CATEGORIES</u><br><u>ASSIGNED</u> |
|--|---|
| Airport Director   | 6   |
| Airport Operations Coordinator                           | 6   |
| Assistant Director                                       | 1, 2  |
| Associate Planner  | 1, 2  |
| Finance Manager  | 6   |
| General Counsel  | 1, 2  |
| Maintenance Division Manager                             | 2, 3, 6   |
| Office Administrator                                     | 5   |
| Redevelopment Director                                   | 1, 2  |
| Senior Planner   | 1, 2  |

DESIGNATED EMPLOYEES'  
TITLE OR FUNCTION

DISCLOSURE CATEGORIES  
ASSIGNED

Consultant<sup>5</sup>

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<sup>5</sup> 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, including gifts, loans and travel payments, 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 business entities, and sources of income that are located in, that do business in or own real property within the jurisdiction of the Agency.

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 Agency.

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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.

**LEGISLATIVE VERSION**  
**(shows changes made)**

**APPENDIX**

**CONFLICT OF INTEREST CODE**

**OF THE**

**MARCH JOINT POWERS AUTHORITY**

**(Amended ~~December 3, 2008~~ April 15, 2009)**

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| Airport Operations Coordinator   | 6   |
| <del>Assistant Director</del>  | <del>1, 2</del>   |
| Associate Planner  | 1, 2  |
| Finance Manager  | 6   |
| General Counsel  | 1, 2  |
| Maintenance Division Manager   | 2, 3, 6   |
| Office Administrator   | 5   |
| <del>Operations/Real Estate Manager</del>                              | <del>1, 2</del>   |
| <del>Planning Manager</del>  | <del>1, 2</del>   |
| Redevelopment Director   | 1, 2  |
| Senior Planner   | 1, 2  |

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RESOLUTION NO. 09-14

**RESOLUTION OF THE JOINT POWERS COMMISSION OF  
THE MARCH JOINT POWERS AUTHORITY ADOPTING  
AN AMENDED 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 (the "Commission") adopted a Conflict of Interest Code Appendix (the "Appendix") which was amended on December 3, 2008, in compliance with the Act; 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 Commission of, 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 Commission on April 15, 2009, at which all present were given an 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 Commission does 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 Office Administrator 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 Appendix shall become effective 30 days after the Board of Supervisors approves the proposed amended Appendix as submitted.

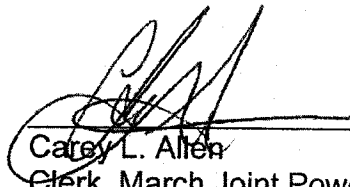
**APPROVED AND ADOPTED** this 15<sup>th</sup> day of April, 2009.

  
\_\_\_\_\_  
Raul Mark Yarbrough, Chairman, Joint Powers Commission  
March Joint Powers Authority

I, Carey L. Allen, Clerk of the March Joint Powers Authority, do hereby certify that the foregoing Resolution No. JPA 09-14 was passed and adopted by the Joint Powers Commission of the March Joint Powers Authority and the Governing Commission of the March Joint Powers Authority at a regular meeting thereof, held on the 15<sup>th</sup> day of April, 2009, and that the foregoing is a full, true and correct copy of said Resolution.

AYES: Buster, Ashley, Schiavone, Melendrez, Batey, Landers, Hastings,  
Yarbrough  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:

  
\_\_\_\_\_  
Carey L. Allen  
Clerk, March Joint Powers Commission

# APPENDIX

## CONFLICT OF INTEREST CODE

### OF THE

## MARCH JOINT POWERS AUTHORITY

(Amended April 15, 2009)

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