

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

328
A



FROM: County Counsel

SUBMITTAL DATE:
July 31, 2014

SUBJECT: Approval of the Conflict of Interest Code of the San Jacinto Valley Cemetery District

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Conflict of Interest Code submitted by San Jacinto Valley Cemetery District.

BACKGROUND:

Summary

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

GREGORY P. PRIAMOS
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
SOURCE OF FUNDS: N/A				Budget Adjustment: N/A	
				For Fiscal Year: N/A	

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Denise C. Harden

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District: 3

Agenda Number:

2-17

BACKGROUND:
Summary (continued)

Government Code Section 82011 identifies the Board of Supervisors for the County of Riverside as the code reviewing body for a local government agency within its county. A local government agency, as defined by Government Code Section 82041, includes the San Jacinto Valley Cemetery District.

San Jacinto Valley Cemetery District recently enacted a 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 Conflict of Interest Code and has found that it complies with statutory requirements. A complete copy of San Jacinto Valley Cemetery District's Conflict of Interest Code is attached.

It is recommended that the Board of Supervisors approve San Jacinto Valley Cemetery District's Conflict of Interest Code and that the Clerk of the Board notify the Agency of the action taken.

Impact on Citizens and Businesses

N/A.

RESOLUTION NO.

RESOLUTION OF THE BOARD OF DIRECTORS OF
SAN JACINTO VALLEY CEMETERY DISTRICT
ESTABLISHING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000, et seq., (hereinafter referred to as the "Act"), contains certain provisions relating to conflicts of interest which potentially affect all officers, employees, and consultants of SAN JACINTO VALLEY CEMETERY DISTRICTS (hereinafter referred to as the "District"); and


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

WHEREAS, the provisions of the Act also contain a requirement that all public agencies, including the District, shall adopt and promulgate a Conflict of Interests Code ;

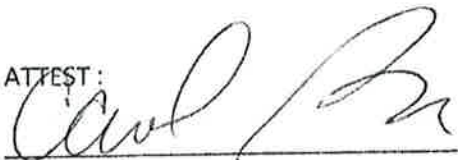
NOW, THEREFORE , BE IT RESOLVED that the District does hereby adopt the Conflict of Interest Code attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED that this Code is intended : to provide reasonable assurance that all foreseeable conflict of interest situations will be disclosed or prevented ; to provide each affected person with a clear and specific statement of his or her duties under the Code ; and to differentiate adequately among designated employees having different powers and responsibilities .

ADOPTED the 16th day of July 2014



President
San Jacinto Valley Cemetery District

ATTEST :


Secretary
San Jacinto Valley Cemetery District

FORM APPROVED COUNTY COUNSEL
BY: 
L. ALEXANDRA FONG DATE 7/31/14

2014-7-123510

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 01-2014 adopted by the Board of Directors of San Jacinto Valley Cemetery District as its regular meeting held July 16, 2014.

A handwritten signature in cursive script, appearing to read "Carl D. ...", is written above a horizontal line.

Secretary
San Jacinto Valley Cemetery District

CONFLICT OF INTEREST CODE

FOR

SAN JACINTO VALLEY CEMETERY DISTRICT

I

Adoption

In compliance with the Political Reform Act of 1974, California Government Code §81000, et seq., the SAN JACINTO VALLEY CEMETERY DISTRICT hereby adopts this Conflict of Interest Code, which shall be applicable to all designated employees of the SAN JACINTO VALLEY CEMETERY DISTRICT as specifically required by California Government Code §87300.

This Code has the force and effect of law. Designated employees violating this Code are subject to the sanctions provided in Chapter 11 of the Political Reform Act, Government Code §91000, et seq.

II

Designated Employees

Government Code §87302 (a) requires that persons (including governing Board members) who occupy positions within the SAN JACINTO CEMETERY DISTRICT which involve the making, or participate in the making, of decisions which may foreseeably have a material effect on any financial interest shall be designated employees. All persons who hold the positions enumerated in Section III, below, are designated employees and must disclose all economic interests set forth in the Section.

III

Designated Positions

Persons occupying the following positions are designated employees and must disclose the following economic interests. The manner of reporting reportable items shall be as provided provided by Government Code §87200 :

Directors , the attorney for the District ,
and the District Manager shall disclose :

1. Investments in any business entity which , within the last two years , has contracted , or in the future foreseeably may contract , with this District to provide services, supplies , materials , machinery or equipment. See Government Code §§82034, 87103 , 87206 .
2. Income from any source which , within the last 12 months , has contracted , or in the future foreseeably may contract, with the District to provide services , supplies , materials , machinery or equipment to the District . See Government Code §§82030, 87103 , 87207 .
3. Interests in real property , located in whole or in part either within the boundaries of the District , or within two miles of the boundaries of the District , including any leasehold , beneficial or ownership interest or option to acquire such interest in real property . See Government Code §§82033 , 87103 , 87206 .

V

Statement of Economic Interests - Filing

A. Initial Statement

An initial statement shall be filed by each designated employee within 30 days after the effective date of this Conflict of Interest Code disclosing investments in business entities and interests in real property made reportable by Section III , above. All new designated employees shall file statements not less than ten days before assuming office or, if subject to confirmation , ten days before being confirmed , unless an earlier assumption of office is required by emergency circumstances . Government Code §87302 (b) .

B. Annual Statements

Thereafter, each designated employee shall file an annual statement during the month of January, disclosing reportable investments in business entities, interests in real property, and income held or received in the period since the closing date of the employee's previously filed statement and December 31st.

C. New Positions

Designated employees appointed, promoted, or transferred to designated positions within the agency shall file initial statements disclosing reportable investments in business entities and interests in real property within 30 days after assuming office. Government Code. §87302 (b).

D. Leaving Office

Any designated employee whose employment with the SAN JACINTO CEMETERY DISTRICT is terminated, voluntarily or involuntarily, shall, within 30 days after termination, file a statement disclosing investments in business entities, interests in real property, and income, covering the period between the closing date of the previous statement of economic interests and the termination date.

E. Filing with the Agency

The statements shall be filed with the person acting as the filing officer for the Agency, who is Secretary of the District. In the case of Directors, the filing officer shall make and retain a copy of the statement and transmit the original to the code reviewing body within five days of receipt.

V

Manner of Reporting

The manner of reporting reportable interests shall be pursuant to Government Code §§ 87206 and 87207.

VI

Disqualification

A designated employee must disqualify himself or herself from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable economic interest or upon any business entity in which the designated employee holds a position of management or is a director, officer, partner, sole owner, trustee, or employee. No member shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made.

VII

Definitions

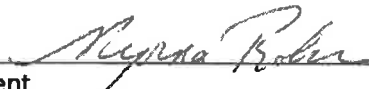
Unless otherwise indicated, the definitions contained in the Political Reform Act of 1974, Government Code §81000, et seq., the Regulations of the Fair Political Practices Commission adopted pursuant thereto, and any amendments to the Act and Regulations are incorporated into this Conflict of Interest Code. Copies of this Code, the Political Reform Act of 1974, and the Regulations of the Fair Political Practices Commission shall be on file with the filing officer. The filing officer shall supply each designated employee with an instruction manual and statement of economic interests form.

VIII

Effective Date of Code


This Conflict of Interest Code shall become effective 30 days after approval by the agency's code reviewing body.

ADOPTED this 16th day of July 2014



President
San Jacinto Valley Cemetery District

ATTEST:



Secretary
San Jacinto Valley Cemetery District

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the Conflict of Interest Code adopted by the Board of Directors of San Jacinto Valley Cemetery District at its regular meeting held July 16, 2014 .

A handwritten signature in cursive script, appearing to read "Carol Davis", is written above a horizontal line.

Secretary

San Jacinto Valley Cemetery District