

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

902A



FROM: County Counsel

SUBMITTAL DATE:  
May 4, 2015

SUBJECT: Approval of the Conflict of Interest Code of the Palm Desert Charter Middle School; District 4; [\$0]


RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Conflict of Interest Code submitted by Palm Desert Charter Middle School; and
2. Direct the Clerk of the Board to notify Palm Desert Charter Middle School of the action taken.

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

BY:

  
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.:

District: 4

Agenda Number:

2-2

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: Palm Desert Charter Middle School**

**DATE: May 4, 2015**

**PAGE: 2 of 2**

**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 Palm Desert Charter Middle School.

Palm Desert Charter Middle School recently revised its Conflict of Interest Code and has submitted it to the Board of Supervisors as the code reviewing body.

This office has reviewed the revised Conflict of Interest Code and has found that it complies with statutory requirements. A copy of Palm Desert Charter Middle School's revised Conflict of Interest Code is attached.

It is recommended that the Board of Supervisors approve Palm Desert Charter Middle School's Code as revised and that the Clerk of the Board notify the Agency of the action taken.

**Impact on Citizens and Businesses**

N/A.

**CONFLICT OF INTEREST CODE**

**OF THE**

**PALM DESERT CHARTER**

**MIDDLE SCHOOL**

FORM APPROVED COUNTY COUNSEL  
BY:  5/4/15  
L. ALEXANDRA FONG DATE

*BBK – November 2014*

# CONFLICT OF INTEREST CODE OF THE PALM DESERT CHARTER MIDDLE SCHOOL

(Adopted January 21, 2015)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. § 18730) that contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Regulation 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Palm Desert Charter Middle School ("PDCMS")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Principal** as the PDCMS's Filing Officer. The **Principal** shall make and retain a copy of all statements filed by the Members of the Governing Board and the Principal and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The **Principal** shall retain the original statements filed by all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

**APPENDIX**  
**CONFLICT OF INTEREST CODE**  
**OF THE**  
**PALM DESERT CHARTER MIDDLE SCHOOL**

(Adopted January 21, 2015)

**PART "A"**

All Officials who manage public investments, as defined by 2 California Code of Regulations Section 18701(b), are NOT subject to PDCMS's Code but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)]

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

It has been determined that no positions at PDCMS are officials who manage public investments at this time<sup>1</sup>.

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<sup>1</sup> Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

## **DESIGNATED POSITIONS**

### **GOVERNED BY THE CONFLICT OF INTEREST CODE**

<b><u>DESIGNATED POSITIONS'</u></b> <b><u>TITLE OR FUNCTION</u></b>	<b><u>DISCLOSURE CATEGORIES</u></b> <b><u>ASSIGNED</u></b>
Business Director	3, 5
Governing Board	3, 5
Legal Counsel	1, 2
Principal	3, 5

Consultants and New Positions<sup>2</sup>

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<sup>2</sup> Individuals serving as a consultant as defined in FPPC Reg 18701 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Principal may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The Principal'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. (Gov. Code Sec. 81008.)

## **PART "B"**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.<sup>3</sup> Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of PDCMS.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that do business or own real property within the jurisdiction of PDCMS.

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 boundaries of PDCMS.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type utilized by PDCMS.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type utilized by the designated position's department, unit or division.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, if such entities or sources have filed claims against PDCMS in the past two years, or have a claim pending before PDCMS.

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<sup>3</sup> This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

**RESOLUTION NO. 1**

**RESOLUTION OF THE GOVERNING BOARD OF THE  
PALM DESERT CHARTER MIDDLE SCHOOL TO ADOPT  
A CONFLICT OF INTEREST CODE PURSUANT TO THE  
POLITICAL REFORM ACT OF 1974**

**WHEREAS**, 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 Palm Desert Charter Middle School ("PDCMS") and requires all public agencies to adopt and promulgate a conflict of interest 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 PDCMS 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 Governing Board, the proposed Code was provided each affected designated employee and publicly posted for review at the offices of Palm Desert Charter Middle School; and

**WHEREAS**, a public meeting was held upon the proposed amended Code at a regular meeting of the Governing Board on January 21, 2015, at which all present were given an opportunity to be heard on the proposed Code.

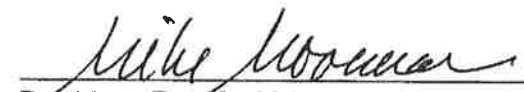
**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of the Palm Desert Charter Middle School that the Governing Board does hereby adopt the proposed Conflict



of Interest Code, a copy of which is attached hereto and shall be on file with the Principal and available to the public for inspection and copying during regular business hours;

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

**APPROVED AND ADOPTED** this 21st day of January, 2015.

  
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President, Board of Directors  
Palm Desert Charter Middle School

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors  
Palm Desert Charter Middle School