

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



ITEM  
2.23  
(ID # 3029)

MEETING DATE:

Tuesday, December 6, 2016

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Conflict of Interest Code of the March Joint Powers Authority; District 1 and 2, [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Conflict of Interest Code submitted by March Joint Powers Authority; and
2. Direct the Clerk of the Board to notify March Joint Powers Authority of the action taken.

ACTION: Consent

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.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	N/A
			For Fiscal Year:	N/A


C.E.O. RECOMMENDATION: Approve

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MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington and Ashley  
Nays: None  
Absent: Benoit  
Date: December 6, 2016  
xc: Co.Co., District, BB&K, COB<sub>cm</sub>

Kecia Harper-Ihem  
Clerk of the Board  
By   
Deputy

2.23

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

**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 March Joint Powers Authority.

March Joint Powers Authority 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 March Joint Powers Authority's revised Conflict of Interest Code is attached.

It is recommended that the Board of Supervisors approve March Joint Powers Authority's Code as revised and that the Clerk of the Board notify the Agency of the action taken.

**Impact on Residents and Businesses**

N/A

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

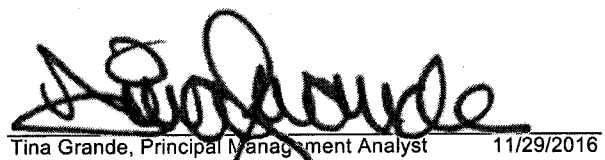
N/A

**ATTACHMENTS:**

**ATTACHMENT A. CONFLICT OF INTEREST CODE FOR THE MARCH JOINT  
POWERS AUTHORITY**

  
Gregory F. Priamos, Director County Counsel

11/21/2016

  
Tina Grande, Principal Management Analyst

11/29/2016

**RESOLUTION #JPA 16-27**

**RESOLUTION OF THE JOINT POWERS COMMISSION OF THE MARCH JOINT POWERS AUTHORITY ADOPTING AN AMENDED 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 (the "Code") which was amended on December 15, 2010, 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 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 Code was provided each affected designated employee and publicly posted for review at the offices of the Authority; and

**WHEREAS**, a public meeting was held upon the proposed amended Code at a regular meeting of the Commission on October 26, 2016, at which all present were given an opportunity to be heard on the proposed amended Code.

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

**BE IT FURTHER RESOLVED** that the said amended Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of Riverside for approval and said Code shall become effective upon approval by the Board of Supervisors, as submitted.

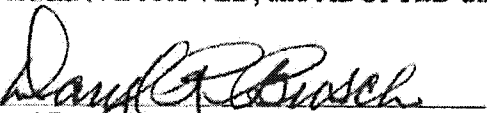
**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Joint Powers Commission of the March Joint Powers Authority as follows:

**Section 1.** All of the recitals set forth above are true and correct and are hereby incorporated by this reference.

**Section 2.** This Resolution shall take effect immediately upon its adoption.

State of California     )  
County of Riverside    )

PASSED, APPROVED, and ADOPTED this 26<sup>th</sup> day of October, 2016.


  
Daryl R. Busch, Chairman  
March Joint Powers Authority Commission

ATTEST

I, Carey L. Allen, Clerk of the March Joint Powers Commission, do hereby certify that the foregoing resolution #JPA 16-27 was duly and regularly adopted by the Joint Powers Commission at its regularly scheduled meeting on October 26, 2016.

Ayes: Molina, Rogers, Ashley (2 votes), Gardner, Melendrez, Giba, Busch  
Noes: None  
Absent: Jeffries  
Abstain: None

Date: October 26, 2016

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

**NOTICE OF INTENTION TO AMEND THE  
CONFLICT OF INTEREST CODE OF THE  
MARCH JOINT POWERS AUTHORITY**

NOTICE IS HEREBY GIVEN that the March Joint Powers Authority (the "Authority") intends to amend its Conflict of Interest Code (the "Code") pursuant to Government Code Section 87306.

The Appendix of the Code designates those employees, members, officers, and consultants who make or participate in the making of decisions and are subject to the disclosure requirements of the Authority's Code. The Authority's proposed amendment is to include new positions that must be designated, remove positions that have been abolished, update references to Regulations and add clarifying language as provided by the Fair Political Practices Commission.

The proposed amended Code will be considered by the Members of the Commission on October 26, 2016, at 3:00 p.m. at March JPC Meeting Location, Board Room, 14205 Meridian Parkway, Riverside, California. Any interested person may be present and comment at the public meeting or may submit written comments concerning the proposed amendment. Any comments or inquiries should be directed to the attention of Carey Allen, Clerk, March JPA, 14205 Meridian Parkway, Suite 140, Riverside, CA 92518; (951) 656-7000. Written comments must be submitted no later than 3:00 p.m. on October 26, 2016.

The proposed amended Code may be reviewed at, and copies obtained from, the office of the Executive Assistant at March JPA, 14205 Meridian Parkway, Suite 140, Riverside, California, during regular business hours.

**CONFLICT OF INTEREST CODE**  
**FOR THE**  
**MARCH JOINT POWERS**  
**AUTHORITY**

**CONFLICT OF INTEREST CODE FOR THE**  
**MARCH JOINT POWERS AUTHORITY**

**(Amended October 26, 2016)**

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) which 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 it 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 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **March Joint Powers Authority** (the "Authority").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Administrative/Property Services Manager** as the Authority's Filing Officer. The **Administrative/Property Services Manager** shall make and retain a copy of all statements filed by Members of the Joint Powers Commission and the Executive Director, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The **Administrative/Property Services Manager** shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

*BBK –October 2016*

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FORM APPROVED COUNTY COUNSEL

BY

  
KRISTINE BELL-VALDEZ

10/25/16  
DATE



# APPENDIX

## CONFLICT OF INTEREST CODE

### OF THE

## MARCH JOINT POWERS AUTHORITY

(Amended October 26, 2016)

### PART "A"

#### OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Authority Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3(b), are NOT subject to the Authority's Code but must file disclosure statement under 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>1</sup>. These positions are listed here for informational purposes only.

Members of the Joint Powers Commission

Executive Director

Financial Consultants

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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**

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative/Property Services Manager/Clerk	2, 4
Airport Director	5
Associate Planner	1, 2
Economic & Community Development Manager	1, 2
Finance Manager	5
General Counsel	1, 2
Maintenance Division Manager	2, 3, 5
Planning Director	1, 2
Property Management Associate	2, 5
Senior Planner	1, 2

**MEMBERS, BOARDS, COMMITTEES AND COMMISSIONS:**

Technical Advisory Committee	1, 2
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Consultant and New Positions<sup>2</sup>

<sup>2</sup> Individuals providing services as a consultant as defined in Regulation 18700.3(a) or in a new position created since this Code was last approved that make or participate in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Executive Director 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 Regs 18219 and 18734.) 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. (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> "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and 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 the Agency.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, 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 business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of Agency.

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 purchased or leased by the Agency.

Category 5: 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 purchased or leased by the Designated Position's department, unit or division.

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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 of the position. (Reg. 18730.1)