

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



ITEM  
2.10  
(ID # 8292)

**MEETING DATE:**

Tuesday, November 6, 2018

**FROM :** COUNTY COUNSEL:

**SUBJECT:** COUNTY COUNSEL: Approval of the Conflict of Interest Code of the March Joint Powers Authority, Districts 1 and 5 [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

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

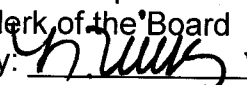
**ACTION:** Consent

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: November 6, 2018  
xc: Co.Co., Authority, COB

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	N/A	N/A	N/A	N/A
<b>NET COUNTY COST</b>	N/A	N/A	N/A	N/A
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment: N/A</b>	
			<b>For Fiscal Year: N/A</b>	

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

**BACKGROUND:**

**Summary**

The Political Reform Act prohibits a public official from using his or her position to influence a government decision in which he or she has a financial interest. Government Code section 87300 requires local government agencies to adopt and promulgate a Conflict of Interest Code identifying officials and employees required to file statements of economic interest based on the positions they hold. A local government agency, as defined by Government Code section 82041, includes the March Joint Powers Authority.

Each even-numbered year, Government Code section 87306.5 requires local government agencies to review their Conflict of Interest Code, make appropriate revisions, if necessary, and submit an amended Conflict of Interest Code to the code reviewing body. Government Code section 82011(b) identifies the Board of Supervisors for the County of Riverside as the code reviewing body for a local government agency within its county.

The March Joint Powers Authority recently adopted Resolution #JPA 18-22 amending its Conflict of Interest Code on September 12, 2018 to revise titles of existing positions and delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions. The March Joint Powers Authority has submitted its amended Conflict of Interest Code for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the amended Conflict of Interest Code of the March Joint Powers Authority and has found that it complies with statutory requirements. A complete copy of the amended Conflict of Interest Code of the March Joint Powers Authority is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the March Joint Powers Authority, as amended, and direct the Clerk of the Board to notify the March Joint Powers Authority of the action taken.

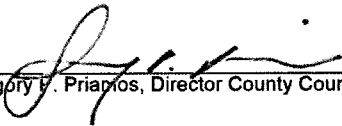
**ATTACHMENTS:**

**Attachment A:      RESOLUTION #JPA 18-22**

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

Attachment B:      CONFLICT OF INTEREST CODE FOR THE MARCH JOINT POWERS  
AUTHORITY

  
Melissa Noone, Associate Management Analyst      10/31/2018

  
Gregory V. Priamos, Director County Counsel      10/18/2018

**RESOLUTION #JPA 18-22**

**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 October 26, 2016, 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 September 12, 2018, 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 Clerk 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.

**APPROVED AND ADOPTED** this 12th day of September, 2018.

**APPROVED AND ADOPTED** this 12th day of September, 2018.

  
Marion Ashley, Chairman, March Joint Powers Authority Commission

ATTEST:

I, Carey L. Allen, Clerk of the Commission of the March Joint Powers Authority, do hereby certify that the foregoing Resolution #JPA 18-22 was duly and regularly adopted by the Commission of the March Joint Powers Authority at a regular meeting thereof held on 12<sup>th</sup> day of September 2018, by the following called vote:

AYES: Melendrez (2 votes), Baca (2 votes), Jeffries, Vargas (2 votes), Ashley  
NOES: None  
ABSENT: Cabrera, Rogers, Gardner  
ABSTAIN: None

Dated: September 12, 2018



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

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

**Attachment B:      CONFLICT OF INTEREST CODE FOR THE MARCH JOINT POWERS  
AUTHORITY**

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



**CONFLICT OF INTEREST CODE FOR THE**  
**MARCH JOINT POWERS AUTHORITY**  
**(Amended September 12, 2018)**

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.)

# APPENDIX

## CONFLICT OF INTEREST CODE

### OF THE

## MARCH JOINT POWERS AUTHORITY

(Amended September 12, 2018)

### 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
Finance Manager	5
General Counsel	1, 2
Operations Director	1, 2
Planning Director	1, 2
Property Management Associate	2, 5
Senior Planner	1, 2
<b><u>MEMBERS, BOARDS, COMMITTEES AND COMMISSIONS:</u></b>	
Technical Advisory Committee	1, 2
 Consultant and New Positions <sup>2</sup>	

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<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)

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

**CONFLICT OF INTEREST CODE FOR THE**  
**MARCH JOINT POWERS AUTHORITY**  
**(Amended ~~October 26, 2016~~ September 12, 2018)**

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Associate Planner	1, 2
<del>Economic &amp; Community Development Manager</del>	<del>1, 2</del>
Finance Manager	5
General Counsel	1, 2
<del>Maintenance Division Manager</del>	<del>2, 3, 5</del>
<del>Operations Director</del>	<del>1, 2</del>
Planning Director	1, 2
Property Management Associate	2, 5
Senior Planner	1, 2
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