

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



ITEM
2.11
(ID # 8315)

MEETING DATE:

Tuesday, November 6, 2018

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Conflict of Interest Code of the Southwest Communities Financing Authority, Districts 1 and 3 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:


1. Approve the First Amended and Restated Conflict of Interest Code of the Southwest Communities Financing Authority; and
2. Direct the Clerk of the Board to notify the Southwest Communities Financing Authority of the action taken.

ACTION: Consent

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**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	N/A	N/A	N/A	N/A
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

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 Southwest Communities Financing 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 Southwest Communities Financing Authority recently adopted Resolution No. 2018-01 amending its Conflict of Interest Code on October 4, 2018 to include new positions. The Southwest Communities Financing 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 First Amended and Restated Conflict of Interest Code of the Southwest Communities Financing Authority and has found that it complies with statutory requirements. A complete copy of the First Amended and Restated Conflict of Interest Code of the Southwest Communities Financing Authority is attached.

It is recommended that the Board of Supervisors approve the First Amended and Restated Conflict of Interest Code of the Southwest Communities Financing Authority, and direct the Clerk of the Board to notify the Southwest Communities Financing Authority of the action taken.

ATTACHMENTS:

Attachment A: **RESOLUTION NO. 2018-01**

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

Attachment B: FIRST AMENDED AND RESTATED CONFLICT OF INTEREST CODE
OF THE SOUTHWEST COMMUNITIES FINANCING AUTHORITY



Lisa D Brandl

11/1/2018



Gregory V. Priamos, Director County Counsel

10/23/2018

2
3 RESOLUTION NO. 2018-01

4
5 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTHWEST COMMUNITIES
6 FINANCING AUTHORITY ADOPTING THE FIRST AMENDED AND RESTATED SOUTHWEST
7 COMMUNITIES FINANCING AUTHORITY CONFLICT OF INTEREST CODE

8
9 WHEREAS, the Political Reform Act (California Government Code Section 81000, et seq.)
10 requires state and local government agencies to adopt and promulgate conflict of interest codes identifying
11 officials and employees required to file statements of economic interest based on the positions they hold;
12 and,

13 WHEREAS, the Southwest Communities Financing Authority is a local government agency
14 as defined by Government Code Section 82041; and,

15 WHEREAS, the Board of Directors of the Southwest Communities Financing Authority, at
16 a special meeting, assembled on May 18, 2005, adopted the Southwest Communities Financing Authority
17 Conflict of Interest Code; and,

18 WHEREAS, every even-numbered year, Government Code Section 87306.5 requires local
19 government agencies to review their conflict of interest code, make appropriate revisions, if necessary, and
20 submit an amended conflict of interest code to the code reviewing body; and,

21 WHEREAS, the Southwest Communities Financing Authority has reviewed the Southwest
22 Communities Financing Authority Conflict of Interest Code and has determined that an amendment is
23 necessary to include new positions;

24 NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board
25 of Directors of the Southwest Communities Financing Authority (“Board”) in regular session assembled on
26 October 4, 2018, at 11:00 a.m. or soon thereafter, in the Council Chambers located on the first floor of
27 Murrieta City Hall, 1 Town Square, Murrieta, California, that this Board hereby approves the First Amended
28 and Restated Southwest Communities Financing Authority Conflict of Interest Code, as attached hereto.

1 BE IT FURTHER RESOLVED, DETERMINED, AND ORDERED that this Board hereby
2 directs the Secretary for the Southwest Communities Financing Authority to submit the Southwest
3 Communities Financing Authority Conflict of Interest Code to the Board of Supervisors of the County of
4 Riverside, State of California, for approval as the code reviewing body.

5 BE IT FURTHER RESOLVED, DETERMINED, AND ORDERED that this Board hereby
6 directs all designated officials and employees holding such offices and positions for the Southwest
7 Communities Financing Authority to complete a Form 700 and submit the Form 700 to the Secretary for
8 the Southwest Communities Financing Authority as required by applicable law.

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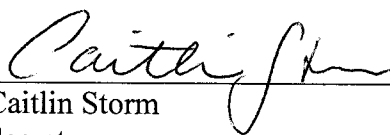
SOUTHWEST COMMUNITIES FINANCING AUTHORITY

CERTIFICATION

The undersigned duly qualified Secretary of Southwest Communities Financing Authority certifies that the foregoing is a true and correct record of the unanimous action taken by the Board of Directors at their meeting on October 4, 2018 for Agenda Item 10A – Resolution No. 2018-01, Adopting the Amended and Restated SCFA Conflict of Interest Code.

- Adopt Resolution No. 2018-01, A Resolution of the Board of Directors of the Southwest Communities Financing Authority Adopting the First Amendment and Restated Southwest Communities Financing Authority Conflict of Interest Code; and
- Direct the Secretary for the Southwest Communities Financing Authority to submit the First Amendment and Restated Southwest Communities Financing Authority Conflict of Interest Code to the Board of Supervisors of the County of Riverside for approval as the code reviewing body.

ATTEST:


Caitlin Storm
Secretary

10-12-2018
October 12, 2018

Southwest Communities Financing Authority

**First Amended and Restated
Conflict of Interest Code**

(Approved October 4, 2018)

FORM APPROVED COUNTY COUNSEL
BY: *D.M.* *10/4/18*
DANIELLE D. MALAND DATE

Southwest Communities Financing Authority

Conflict of Interest Code

The Political Reform Act (Government Code Section 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 California Code of Regulations Section 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, the standard code 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 regulation and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code for the Southwest Communities Financing Authority (SCFA).

Individuals holding designated positions shall file their statements of economic interest with the Secretary for the Southwest Communities Financing Authority as the Southwest Communities Financing Authority's filing officer. The Secretary shall make the statements available for public inspection and reproduction during regular business hours pursuant to Government Code Section 81008.

APPENDIX

PART A: DESIGNATED OFFICIALS AND EMPLOYEES AND DISCLOSURE CATEGORIES ASSIGNED

<u>DESIGNATED OFFICIALS AND EMPLOYEES</u>	<u>DISCLOSURE CATEGORIES ASSIGNED</u>
Members of the Board of Directors	1, 2, 3, 4, 5, 6, 7
Alternate Members of the Board of Directors	1, 2, 3, 4, 5, 6, 7
Program Administrator	1, 2, 3, 4, 5, 6, 7
Assistant Program Administrator	1, 2, 3, 4, 5, 6, 7
Executive Management Committee Members	1, 3, 5
Attorney for SCFA	1, 2, 3, 4, 5, 6, 7
Consultants and New Positions ¹	

¹ Individuals serving as a consultant (as defined in 2 California Code of Regulations 18700.3(a)) or in a new position created since this Conflict of Interest Code was last approved that makes or participates in making decisions that may foreseeably have a material effect on any financial interest shall file under the broadest disclosure category in this Conflict of Interest Code subject to the following limitation:

The Program Administrator may determine in writing that a particular consultant or a new position, 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 or new position's duties and, based upon the description, a statement of the extent of disclosure requirements. The Program Administrator's determination shall be a public record and shall be retained for public inspection in the same manner and location as other disclosures. See 2 California Code of Regulations Section 18734.

PART B: DISCLOSURE CATEGORIES

The disclosure categories for designated officials and employees are as follows:

CATEGORY 1: All investments and business positions in, and sources of income (including gifts) from, all business entities that do business or own real property in Riverside County within the geographical boundaries of SCFA, as approved in the Joint Powers Agreement (JPA), plan to do business or own real property in Riverside County within the geographical boundaries of SCFA, as approved in the JPA, within the next year or have done business or owned real property in Riverside County within the geographical boundaries of SCFA, as approved in the JPA, within the past two (2) years.

CATEGORY 2: All interest in real property which is located in whole or in part in Riverside County within the geographical boundaries of SCFA, as approved in the JPA, or not more than two (2) miles outside of the boundaries of Riverside County, within the geographical boundaries of SCA, as approved in the JPA.

CATEGORY 3: All investments in, and sources of income (including gifts) from, business entities that are engaged in land development, construction or the acquisition or sale of real property in Riverside County, within the geographical boundaries of SCFA, as approved in the JPA, plan to engage in such activities in Riverside County, within the geographical boundaries of SCFA, as approved in the JPA, within the next year or have engaged in such activities in Riverside County, within the geographical boundaries of SCFA, as approved in the JPA, within the past two (2) years.

CATEGORY 4: All investment and business positions in, and sources of income (including gifts) from, business entities that are banking, savings and loan or other financial institutions.

CATEGORY 5: All investment and business positions in, and sources of income (including gifts) from, business entities that provide services, supplies, materials, machinery, or equipment of a type purchased or leased by SCFA, Riverside County, the City of Canyon Lake, the City of Lake Elsinore, the City of Murrieta, the City of Temecula, or the City of Wildomar.

CATEGORY 6: All investment and business positions in, and sources of income (including gifts) from, business entities that provide services, supplies, materials, machinery or equipment of a type used or administered or proposed to be used or administered by SCFA, or reviewed or commented upon by the designated member's Board, or Council.

CATEGORY 7: All investment and business positions in, and sources of income (including gifts) from, business entities subject to the regulatory, permitting, or licensing authority of SCFA, or designated member's Board, or Council, which will be subject to such authority within the next year or have been subject to such authority within the past two (2) years.

Southwest Communities Financing Authority

**First Amended and Restated
Conflict of Interest Code**

(Approved October 4, 2018)

Southwest Communities Financing Authority

Conflict of Interest Code

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