

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



ITEM
2.9
(ID # 8508)

MEETING DATE:

Tuesday, December 11, 2018

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Conflict of Interest Code of the Mission Springs Water District, District 4 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:


1. Approve the Conflict of Interest Code of the Mission Springs Water District; and
2. Direct the Clerk of the Board to notify the Mission Springs Water District of the action taken.

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley 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: December 11, 2018
xc: Co.Co., District, COBcm

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 Mission Springs Water District.

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 Board of Directors of the Mission Springs Water District recently adopted Resolution No. 2018-17 amending its Conflict of Interest Code on October 15, 2018 to revise the titles of existing positions and to delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions. The Mission Springs Water District 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 Conflict of Interest Code of the Mission Springs Water District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Mission Springs Water District is attached.


It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Mission Springs Water District, and direct the Clerk of the Board to notify the Mission Springs Water District of the action taken.

ATTACHMENTS:

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

Attachment A: RESOLUTION NO. 2018-17 AND CONFLICT OF INTEREST CODE
FOR THE MISSION SPRINGS WATER DISTRICT


Melissa Noone, Associate Management Analyst 11/20/2018


Gregory V. Priaplos, Director County Counsel 11/19/2018

RESOLUTION NO. 2018-17

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
MISSION SPRINGS WATER DISTRICT AMENDING
ITS CONFLICT OF INTEREST CODE AND
RESCINDING RESOLUTION NO. 2016-22**

WHEREAS, the Political Reform Act ("Act") (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission ("Commission") has adopted a regulation (2 California Code of Regulations Section 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code;

WHEREAS, after public notice and hearing, the standard code may be amended by the Commission to conform to amendments in the Act;

WHEREAS, the Mission Springs Water District desires to adopt and incorporate by reference the terms of 2 California Code of Regulations Section 18730, and any and all amendments thereto adopted by the Commission.

NOW THEREFORE, be it resolved as follows:

Section 1. Adoption of Code by Reference

The Political Reform Act ("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 ("Commission") has adopted a regulation (2 California Code of Regulations Section 18730 ("Conflicts Code Regulation") 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, the standard code may be amended by the Commission to conform to amendments in the Act.

The terms of Conflicts Code Regulation, and any amendments to it duly adopted by the Commission are hereby incorporated by reference. This regulation and the attached Appendices "A" and "B" designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code ("Code") for the Mission Springs Water District ("District").

Section 2. Place of Filing

Designated employees shall file a statement of economic interests with the Secretary to the Board of Directors of the District ("Board"). Upon receipt of the statements of the Board, the Secretary to the Board shall make and retain a copy of the statements and forward the original statements to the County of Riverside.

FORM APPROVED COUNTY COUNSEL

BY: Danielle D. Maland
DANIELLE D. MALAND DATE

Statements for all other designated employees shall be delivered to the Secretary to the Board and retained by the District.

Section 3. Violations

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act, as it may be amended from time to time.

Section 4. Repeal of Resolutions

The Board does hereby repeal Resolution No. 2016-22 in its entirety and adopt the foregoing as the Conflict of Interest Code for the Mission Springs Water District.

ADOPTED this 15th day of October 2018, by the following vote:

Ayes: Sewell, Bowman, Wright, Martin, Duncan

Noes:

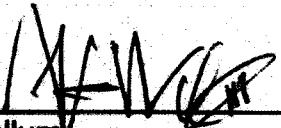
Abstain:

Absent:



Randy Duncan
President of Mission Springs Water District
and its Board of Directors

ATTEST:



Arden Wallum
Secretary of Mission Springs Water District
and its Board of Directors

APPENDIX A

DESIGNATED FILERS

DESIGNATED FILERS

DISCLOSURE CATEGORIES

Conservation and Public Affairs Officer	All (1-3)
Director of Engineering and Operations	All (1-3)
Field Operations Manager	All (1-3)
Associate Engineer	All (1-3)
Executive Assistant	All (1-3)
Human Resources Coordinator	All (1-3)
Legal Counsel	All (1-3)
Consultants*	All (1-3)

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below manage public investments and shall file a Statement of Economic Interests pursuant to Government Code Section 87200:

Board of Directors
General Manager
Director of Administrative Services

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitations:

The General Manager may determine in writing that a particular consultant, 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 determinations shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager'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.

The designated position of Consultants includes special legal counsel retained by the District as a position subject to the foregoing specialized disclosure category.

APPENDIX B

DISCLOSURE CATEGORIES

This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200. Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Appendix A specify which kinds of financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Appendix A. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property, which the designated employee must disclose for each disclosure category to which he or she is assigned.

Category 1: Interest in real property.

Category 2: All investments and business positions in any business entity and income from any sources which are (1) a private water company; or (2) an entity or person engaged in farming or real estate development or an owner of real property.

Category 3: Investment and business positions in business entities, and sources of income, which provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

RESOLUTION NO. 2016-222018-17

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
MISSION SPRINGS WATER DISTRICT AMENDING
ITS CONFLICT OF INTEREST CODE AND
RESCINDING RESOLUTION NO. 2012-142016-22**

WHEREAS, the Political Reform Act ("Act") (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission ("Commission") has adopted a regulation (2 California Code of Regulations Section 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code;

WHEREAS, after public notice and hearing, the standard code may be amended by the Commission to conform to amendments in the Act;

WHEREAS, the Mission Springs Water District desires to adopt and incorporate by reference the terms of 2 California Code of Regulations Section 18730, and any and all amendments thereto adopted by the Commission.

NOW THEREFORE, be it resolved as follows:

Section 1. Adoption of Code by Reference

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The terms of Conflicts Code Regulation, and any amendments to it duly adopted by the Commission are hereby incorporated by reference. This regulation and the attached Appendices "A" and "B" designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code ("Code") for the Mission Springs Water District ("District").

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Statements for all other designated employees shall be delivered to the Secretary to the Board and retained by the District.

Section 3. Violations

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act, as it may be amended from time to time.

Section 4. Repeal of Resolutions

The Board does hereby repeal Resolution No. ~~2012-14~~2016-22 in its entirety and adopt the foregoing as the Conflict of Interest Code for the Mission Springs Water District.

ADOPTED this 19th day of ~~September 2016~~October 2018, by the following vote:

Ayes: ~~Bowman, Duncan, Martin, Wright~~

Noes:

Abstain:

Absent: ~~Furbee~~

~~Nancy Wright~~Randy Duncan
President of Mission Springs Water District
and its Board of Directors

ATTEST:

Arden Wallum
Secretary of Mission Springs Water District
and its Board of Directors

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This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200. Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Appendix A specify which kinds of financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Appendix A. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property, which the designated employee must disclose for each disclosure category to which he or she is assigned.

Category 1: Interest in real property.

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Category 3: Investment and business positions in business entities, and sources of income, which provide services, supplies, materials, machinery, or equipment of the type utilized by the District.