

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



**ITEM
2.10
(ID # 8509)**

MEETING DATE:

Tuesday, December 11, 2018

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Conflict of Interest Code of the Desert Recreation District, District 4 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

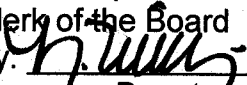
1. Approve the Conflict of Interest Code of the Desert Recreation District; and
2. Direct the Clerk of the Board to notify the Desert Recreation District of the action taken.

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 Desert Recreation 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 Desert Recreation District recently adopted Resolution No. 18-31 amending its Conflict of Interest Code on October 24, 2018 to include new positions and delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions. The Desert Recreation 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 Desert Recreation District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Desert Recreation District is attached.

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

ATTACHMENTS:

Attachment A: **RESOLUTION NO. 18-31 AND CONFLICT OF INTEREST CODE FOR THE DESERT RECREATION DISTRICT**

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


Melissa Noone, Associate Management Analyst

11/20/2018


Gregory V. Priamos, Director County Counsel

11/19/2018

RESOLUTION NO. 18-31

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DESERT RECREATION DISTRICT
AMENDING THE DESERT RECREATION DISTRICT'S CONFLICT OF INTEREST CODE PURSUANT
TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the Legislature of the State of California has enacted the Political Reform act of 1974, Government Code Section 81000 et. seq. (the "Act"), which requires all public agencies, including but not limited to the Desert Recreation District ("District") to adopt and keep updated a conflict of interest code; and

WHEREAS, the District has a Conflict of Interest Code which was last amended September 14, 2016, and which now requires updating; and

WHEREAS, the regulations implementing the Act provide that the District may adopt the terms of 2 Cal. Code of Regulations Section 18730 to adopt a conflict of interest code which will be self-updating as the regulations are updated; and

WHEREAS, at the same time as the District adopts Section 18730, the District must also update and adopt a designation of employees covered by the conflict of interest code and the disclosure categories for each employee as set out in **Appendix A** to this Resolution adopting Section 18730 by reference; and

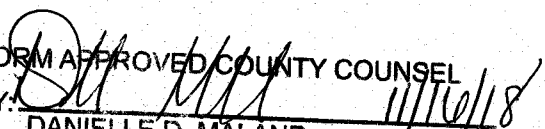
WHEREAS, such designation and disclosures for each designated employee are set out in the Appendix to this Resolution; and

WHEREAS, the designated employees shall file forms with the District's Clerk of the Board, who shall forward them to the Riverside County Clerk of the Board of Supervisors; 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 an equitable relief which could result in the District 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 the District Board meeting and of consideration by the Board of the proposed amended Conflict of Interest Code has been provided to each designated employee and publicly posted for review at the offices of the District Clerk.

FORM APPROVED COUNTY COUNSEL

BY: 
DANIELLE D. MALAND

DATE 11/16/18

RESOLUTION NO. 18-31

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District does hereby adopt by reference the provisions of 2 Cal. Code of Regulations Section 18730 along with Appendix A containing an updated designation of employees and disclosure categories as its Conflict of Interest Code, a copy of which is attached hereto and available for inspection by the public.

BE IT FURTHER RESOLVED that said amended Conflict of Interest Code shall become effective on October 24, 2018, and that the District Clerk of the Board shall provide a copy of such Code to the Riverside County Clerk of the Board of Supervisors, the code reviewing body.

PASSED, APPROVED AND ADOPTED this 24th day of October 2018 by the following vote:

AYES: Gutierrez, Gilbert, McGalliard, and Acosta

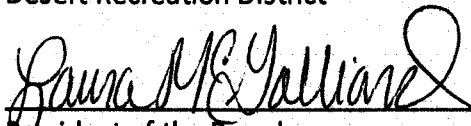
NOES: None

ABSENT: Paz

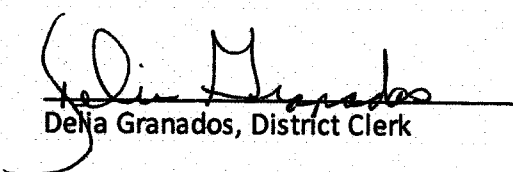
ABSTAIN: None

Desert Recreation District

By:


President of the Board

I hereby certify that the Board of Directors of the Desert Recreation District adopted the foregoing Resolution No. 18-31 at a regular meeting held on October 24, 2018.


Delia Granados, District Clerk

APPENDIX "A"

DESIGNATED POSITIONS & DISCLOSURE CATEGORIES

<u>Position</u>	<u>Disclosure Category</u>
Board Member	1
General Manager	1
Assistant General Manager	1
Executive Director – First Tee	1
Director of Public Works and Planning	1
Human Resources Administrator	1
District Clerk	1
Accounting Supervisor	1
Parks & Grounds Manager	1
Information Systems Administrator	1
Community Services Supervisor	1
*Consultant	1

Strikeout positions are eliminated; underlined positions are newly created positions and highlighted positions are retitled positions all of which are designated to disclose.

Disclosure Category 1:

(1) All sources of income, (2) all interest in real property, and (3) all investments and business positions in business entities.

* The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is 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 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.

APPENDIX "A"

DESIGNATED POSITIONS & DISCLOSURE CATEGORIES

<u>Position</u>	<u>Disclosure Category</u>
Board Member	1
General Manager	1
Assistant General Manager	1
Executive Director – First Tee	1
Director of Finance and Administration	1
Director of Public Works and Planning	1
<u>Finance Director</u>	<u>1</u>
<u>Community Services Director</u>	<u>1</u>
<u>Fund Development Director</u>	<u>1</u>
Human Resources Administrator	1
District Clerk	1
Accounting Supervisor	1
Parks & Grounds Manager	1
Information Systems Administrator	1
Community Services Supervisor	1
*Consultant	1

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