

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



ITEM
2.12
(ID # 8525)

MEETING DATE:

Tuesday, December 11, 2018

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Conflict of Interest Code of the Mount San Jacinto Winter Park Authority, District 4 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

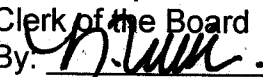
1. Approve the Conflict of Interest Code of the Mount San Jacinto Winter Park Authority;
and
2. Direct the Clerk of the Board to notify the Mount San Jacinto Winter Park Authority of the action taken.

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., Authority, 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 Mount San Jacinto Winter Park 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 Mount San Jacinto Winter Park Authority recently updated its Conflict of Interest Code to revise the title of an existing position. The General Manager of the Mount San Jacinto Winter Park Authority has submitted a declaration under penalty of perjury that states “[t]he Authority’s Conflict of Interest Code specifically enumerates each of the positions within Mount San Jacinto Winter Park Authority which make, or participate in the making of decisions which may foreseeably have a material effect on financial interests.” The Mount San Jacinto Winter Park 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 Conflict of Interest Code of the Mount San Jacinto Winter Park Authority and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Mount San Jacinto Winter Park Authority is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Mount San Jacinto Winter Park Authority, and direct the Clerk of the Board to notify the Mount San Jacinto Winter Park Authority of the action taken.

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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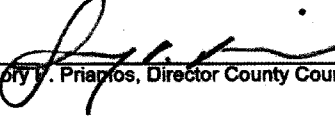
ATTACHMENTS:

Attachment A: DECLARATION OF NANCY NICHOLS

Attachment B: CONFLICT OF INTEREST CODE FOR MOUNT SAN JACINTO WINTER
PARK AUTHORITY


Melissa Noone, Associate Management Analyst

12/4/2018


Gregory V. Priamos, Director County Counsel

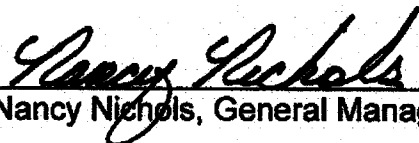
11/20/2018

DECLARATION OF NANCY NICHOLS

I, Nancy Nichols, declare as follows:

1. I am the General Manager of the Mount San Jacinto Winter Park Authority (the "Authority").
2. The Authority's Conflict of Interest Code specifically enumerates each of the positions within Mount San Jacinto Winter Park Authority which make, or participate in the making of decisions which may foreseeably have a material effect on financial interests.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 4 , 2018, in Riverside County, California.



Nancy Nichols, General Manager

CONFLICT OF INTEREST CODE

FOR

MOUNT SAN JACINTO

WINTER PARK AUTHORITY

FORM APPROVED COUNTY COUNSEL
BY: *Danielle D. Maland* *11/20/18*
DANIELLE D. MALAND DATE

CONFLICT OF INTEREST CODE FOR
MOUNT SAN JACINTO WINTER PARK AUTHORITY
(Amended October 21, 2014)

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 of 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 **Mount San Jacinto Winter Park Authority** (the "**Authority**").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Vice President of Human Resources and Risk Management** as the Authority's Filing Officer. The **Vice President of Human Resources and Risk Management** shall make and retain a copy of all statements filed by Members of the Board of Directors and the other Authority Officials filing under Gov. Code § 87200, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The **Vice President of Human Resources and Risk Management** 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

MOUNT SAN JACINTO WINTER PARK AUTHORITY

(Amended October 21, 2014)¹

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 are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investment²

Members of the Board of Directors

President and General Manager

Vice President of Finance (CFO)

Financial Consultants

¹ Amended to update titles of positions and recodified Regulations, as well as add clarifying language as provided by the Fair Political Practices Commission – August 2016.

² 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>
Executive Vice President	1
General Counsel	1, 2
Vice President of Retail	6
Vice President of Human Resources and Risk Management	6
Vice President of Maintenance	6
Vice President Operations	6
Vice President of Marketing and Public Affairs	6
Vice President of Technology	6

Consultants and New Positions³

³ Individuals providing services as a Consultant defined in Regulation 18700.3(a), or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager 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 Regulations 18219 and 18734.). 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. (Gov. Code Sec. 81008.)

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Position must disclose for each disclosure category to which he or she is assigned.³ "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 Authority.

Category 1: All investments and business positions in business entities, and sources of income including gifts, loans, and travel payments, that are located in, do business in, or own real property within the jurisdiction of the Authority.

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 Authority.

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 the Authority.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, from, banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Authority.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Position's Department, Unit or Division.

³ 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 duties or functions of the position (Reg 18730.1).

CONFLICT OF INTEREST CODE

FOR

MOUNT SAN JACINTO

WINTER PARK AUTHORITY

CONFLICT OF INTEREST CODE FOR
MOUNT SAN JACINTO WINTER PARK AUTHORITY
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