

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



ITEM
2.11
(ID # 8658)

MEETING DATE:

Tuesday, January 8, 2019

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Conflict of Interest Code of the Western Riverside Council of Governments, Districts: 1, 2, 3, and 5 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Conflict of Interest Code of the Western Riverside Council of Governments; and
2. Direct the Clerk of the Board to notify the Western Riverside Council of Governments of the action taken.

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: January 8, 2019
xc: Co.Co., Council, COBcm

Kecia Harper
Clerk of the Board
By: [Signature]
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 Western Riverside Council of Governments.

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 Executive Committee of the Western Riverside Council of Governments recently adopted Resolution Number 42-18 amending its Conflict of Interest Code on November 5, 2018 to include new positions, revise the 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 Western Riverside Council of Governments 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 Western Riverside Council of Governments and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Western Riverside Council of Governments is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Western Riverside Council of Governments, and direct the Clerk of the Board to notify the Western Riverside Council of Governments of the action taken.

ATTACHMENTS:

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

Attachment A: RESOLUTION NUMBER 42-18

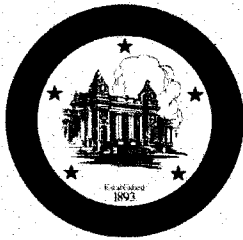
Attachment B: CONFLICT OF INTEREST CODE OF THE WESTERN RIVERSIDE
COUNCIL OF GOVERNMENTS


Melissa Noone, Associate Management Analyst

1/2/2019


Gregory P. Priamos, Director County Counsel

12/11/2018



MEMORANDUM

RIVERSIDE COUNTY COUNSEL

CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

DATE: December 11, 2018
TO: Kecia Harper-Ihem, Clerk of the Board
FROM: Danielle D. Maland, Deputy County Counsel
RE: Conflict of Interest Code for January 8, 2019 Board Agenda
MT #8658

Enclosed please find the following document (s) for an item to be set on the January 8, 2019 Board Agenda for the County Counsel:

MinuteTraq Item #8658– Form 11 (for reference)

Conflict of Interest Code of the Western Riverside Council of Governments .

DDM:rm
Attachment

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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: [CEO use]

BACKGROUND:

Summary

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This office has reviewed the Conflict of Interest Code of the Western Riverside Council of Governments and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Western Riverside Council of Governments is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Western Riverside Council of Governments, and direct the Clerk of the Board to notify the Western Riverside Council of Governments of the action taken.

ATTACHMENTS:

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

Attachment A: **RESOLUTION NUMBER 42-18**

Attachment B: **CONFLICT OF INTEREST CODE OF THE WESTERN RIVERSIDE
COUNCIL OF GOVERNMENTS**

RESOLUTION NUMBER 42-18

**RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
AMENDING THE CONFLICT OF INTEREST CODE PURSUANT TO
THE POLITICAL REFORM ACT OF 1974**

WHEREAS, 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 Western Riverside Council of Governments ("WRCOG") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Executive Committee adopted a Conflict of Interest Code (the "Code") for WRCOG which was amended on September 11, 2017, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within WRCOG have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update WRCOG'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 WRCOG 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 Executive Committee, the proposed amended Code was provided each affected designated position and publicly posted for review at the County Administrative Offices at 4080 Lemon Street, Riverside, California; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Executive Committee of WRCOG on November 5, 2018, at which all present were given an opportunity to be heard on the proposed amended Code.

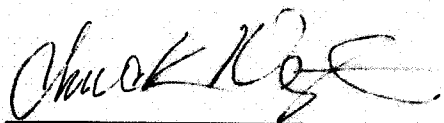
NOW THEREFORE, BE IT RESOLVED by Executive Committee of the Western Riverside Council of Governments follows:

Section 1. The Executive Committee does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Executive Assistant and available to the public for inspection and copying during regular business hours.

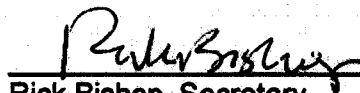
Section 2. The said amended Code shall be submitted to the Board of Supervisors of the County of Riverside for approval.

Section 3. The said amended Code shall become effective immediately upon approval by the Riverside County Board of Supervisors.

PASSED AND ADOPTED by the Executive Committee of the Western Riverside Council of Governments on November 5, 2018.

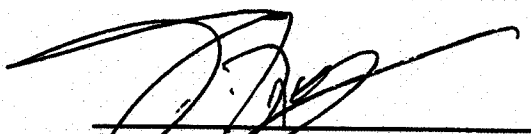


Chuck Washington, Chair
WRCOG Executive Committee



Rick Bishop, Secretary
WRCOG Executive Committee

Approved as to form:



Steven DeBaun
WRCOG Legal Counsel

AYES: 21

NAYS: 0

ABSENT: 4

ABSTAIN: 0


**CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE
COUNCIL OF GOVERNMENTS**

CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

(Amended November 5, 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 of Regs. § 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 Section 18730 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 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Western Riverside Council of Governments ("WRCOG")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Administrative Services Manager** as WRCOG's Filing Officer. The **Administrative Services Manager** shall make and retain a copy of all statements filed by Members of the Executive Committee, the Executive Director and the Treasurer, and forward the originals of such statements to the Clerk of the Board of Supervisors. The **Administrative Services Manager** shall retain the originals of the statements of all other officials and designated positions and make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code Section 81008.)

FORM APPROVED COUNTY COUNSEL
BY: 
DANIELLE D. MALAND

12/11/18
DATE

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

(Amended November 5, 2018)

PART "A"
OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

WRCOG Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3(b), are NOT subject to WRCOG's Code, but must file disclosure statements under 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 investments¹:

Executive Committee Members, including ex-officio non-voting members
Executive Director
Treasurer
Chief Financial Officer
Investment Consultant

¹ 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 Assistant	5
Administrative Services Manager	5
Deputy Executive Director (ALL)	1, 2
Director of Administration, RCHCA	4
Director of Energy & Environmental Programs	2, 5
Director of Natural Resources, RCHCA	5
Director of Transportation & Planning	1, 2
Fiscal Analyst	4
General Counsel	1, 2
Program Manager, Accounting	4
Program Manager, Environmental	5
Program Manager, HERO	2, 3, 5
Program Manager, Transportation	1, 2
Program Manager, TUMF	1, 2
Program Manager, Government Relations, Planning, and Special Projects	2, 3, 5
Senior Ecological Resources Specialist, RCHCA	2, 3, 5

**LAW OFFICES OF
BEST BEST & KRIEGER LLP**

**DESIGNATED POSITIONS'
TITLE OR FUNCTION**

**DISCLOSURE CATEGORIES
ASSIGNED**

Staff Analyst (ALL)

5

Technician (ALL)

5

**MEMBERS OF BOARDS,
COMMITTEES AND COMMISSIONS**

**DESIGNATED POSITIONS'
TITLE OR FUNCTION**

**DISCLOSURE CATEGORIES
ASSIGNED**

Finance Directors' Committee

1, 2

Planning Directors' Committee

2, 3, 5

Public Works Committee

2, 3, 5

Solid Waste Committee

2, 5

Technical Advisory Committee

1, 2

Consultants and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg 18700.3(a) or in a new position created since this Code was last approved that makes or participates in the making of decisions must file under the broadest disclosure set forth 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 Regulations 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 designate 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 WRCOG.

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 that own real property in the jurisdiction of WRCOG.

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 WRCOG.

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 in within the jurisdiction of WRCOG.

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 WRCOG.

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.

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

CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE
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Director of Transportation <u>& Planning</u>	1, 2
Fiscal Analyst	4
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<u>Senior Ecological Resources Specialist, RCHCA</u>	2, 3, 5
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LAW OFFICES OF
BEST BEST & KRIEGER LLP

IT Administrator	5
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Technician, General(ALL)	5

MEMBERS OF BOARDS,
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Public Works Committee	2, 3, 5
Solid Waste Committee	2, 5
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