

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



**ITEM: 2.7
(ID # 11037)**

MEETING DATE:
Tuesday, October 29, 2019

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of an Amendment to the Conflict of Interest Code for Riverside County Habitat Conservation Agency; Districts 1, 2, 3, 5 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

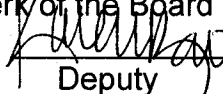
1. Approve the Conflict of Interest Code of the Riverside County Habitat Conservation Agency; and
1. Direct the Clerk of the Board to notify the Riverside County Habitat Conservation Agency of the action taken.

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington and Perez
Nays: None
Absent: Hewitt
Date: October 29, 2019
xc: Co.Co., COB

Kecia R. Harper
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	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: [CEO use]

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 Riverside County Habitat Conservation Agency.

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 Riverside County Habitat Conservation Agency amended its Conflict of Interest Code on February 21, 2019 to add titles or revise titles of existing positions that participate in making governmental decisions. The Board of Directors for Riverside County Habitat Conservation Agency has adopted Resolution No. 2019-01, amending its Conflict of Interest Code. The Riverside County Habitat Conservation Agency 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 Riverside County Habitat Conservation Agency and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Riverside County Habitat Conservation Agency is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Riverside County Habitat Conservation Agency, and direct the Clerk of the Board to notify the Riverside County Habitat Conservation Agency of the action taken.

Impact on Residents and Businesses

N/A

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Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Attachment A: Resolution No. 2019-01

Attachment B: Conflict of Interest Code for Riverside County Habitat
Conservation Agency


Susana Garcia-Bocanegra, Principal Management Analyst

10/15/2019


Gregory V. Prietos, Director County Counsel

10/11/2019



A Joint Powers Authority

RESOLUTION NUMBER 2019-01

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY
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 Riverside County Habitat Conservation Agency ("Agency") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended on September 15, 2016, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within RCHCA have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update RCHCA'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 RCHCA 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 Board of Directors, 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 Board of Directors of RCHCA on February 21, 2019, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW THEREFORE, BE IT RESOLVED by Board of Directors of the Riverside County Habitat Conservation Agency as follows:

Section 1. The Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Riverside County Habitat Conservation Agency and available to the public for inspection and copying during regular business hours.

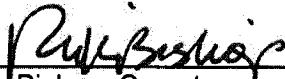
Section 2. The said amended Code shall be submitted to the Board of Supervisors of the County of Riverside for approval.

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

PASSED AND ADOPTED by the Board of Directors of the Riverside County Habitat Conservation Agency on February 21, 2019.

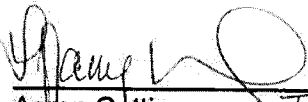


Michael Vargas, Chair
RCHCA Board of Directors



Rick Bishop, Secretary
RCHCA Board of Directors

Approved as to form:



Aaron Gettis
RCHCA Legal Counsel

Tiffany North

AYES: 8

NAYS: 0

ABSENT: 3

ABSTAIN: 0



RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY

CONFLICT OF INTEREST CODE

OF THE

RIVERSIDE COUNTY HABITAT
CONSERVATION AGENCY

CONFLICT OF INTEREST CODE
OF THE
RIVERSIDE COUNTY HABITAT
CONSERVATION AGENCY

(Amended February 21, 2019)

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 **Riverside County Habitat Conservation Agency ("RCHCA")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Administrative Services Manager** as RCHCA's Filing Officer. The **Administrative Services Manager** shall make and retain a copy of all statements filed by Members of the Board of Directors and Alternate Members, the Executive Director / General Manager, and Financial Consultants, 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.)

APPENDIX

CONFLICT OF INTEREST CODE OF THE RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY

(Amended – February 21, 2019)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

RCHCA Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18701(b), are NOT subject to the Agency’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 information purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Board of Directors

Alternate Members of the Board

Executive Director / General Manager

Financial Consultants

¹ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination as to whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Executive Director / General Manager	1, 2
General Counsel	1, 2
Director of Natural Resources	2, 3, 6
Director of Administrative Services	4, 5
Senior Ecological Resources Specialist	2, 3, 6
Consultant ²	

² 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 limitation:

The Executive Director 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 determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. 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.

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 Employee must disclose for each disclosure category to which he or she is assigned.

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 RCHCA.

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 RCHCA.

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 RCHCA.

Category 4: All investments and business positions in, and sources of income from, business entities that are 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, products, materials, machinery, vehicles or equipment of a type purchased or leased by RCHCA.

Category 6: 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.