

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



ITEM: 2.9
(ID # 12355)

MEETING DATE:
Tuesday, May 05, 2020

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amendment to the Conflict of Interest Code for the Coachella Valley Association of Governments; District 4; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

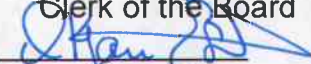
1. Approve the Amendment to the Conflict of Interest Code for the Coachella Valley Association of Governments, and
2. Direct the Clerk of the Board to Notify the Coachella Valley Association of Governments of the action taken.

ACTION:Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Spiegel 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: May 5, 2020
xc: Co.Co., CVAG, 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: | N/A |
| | | | 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 interests based on the positions they hold. A local government agency, as defined by Government Code section 82041, includes the Coachella Valley Association of Governments (“CVAG”).

Each even numbered year, Government Code section 87906.5 requires local government agencies to review their Conflict of Interest Code, make appropriate revisions, if necessary, and submit the 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 Coachella Valley Association of Governments recently amended its Conflict of Interest Code on January 27, 2020 to add titles or revise titles of existing portions that participate in the making of government decisions and to revise the disclosure categories. The Board of Trustees for the Coachella Valley Association of Governments has adopted Resolution 20-001, amending its Conflict of Interest Code. The Coachella Valley Association 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 Coachella Valley Association of Governments and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Coachella Valley Association of Governments is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Coachella Valley Association of Governments, and direct the Clerk of the Board to notify the Coachella Valley Association of Governments of the action taken.

Impact on Residents and Businesses

N/A

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

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

ATTACHMENT A: Resolution 20-001

ATTACHMENT B: Conflict of Interest Code of the Coachella Valley Association of Governments



Gregory V. Priarios, Director County Counsel 4/16/2020

RESOLUTION NO. 20-001

**RESOLUTION OF THE EXECUTIVE COMMITTEE
OF THE COACHELLA VALLEY ASSOCIATION OF
GOVERNMENTS TO AMEND 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 Coachella Valley Association of Governments ("CVAG") 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") which was amended on December 7, 2015; and

WHEREAS, subsequent changed circumstances within CVAG have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update CVGA'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 CVAG 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 of, the proposed amended Code was provided each affected designated position and publicly posted for review; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Executive Committee on January 27, 2020, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS AS FOLLOWS:


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;

2. The said amended Code shall be submitted to the Riverside County Board of Supervisors for approval and said Code shall become effective immediately after the date of approval of the proposed amended Code.

3. All previously adopted conflict of interest codes and amendments are rescinded upon the effective date of approval by the Riverside County Board of Supervisors.

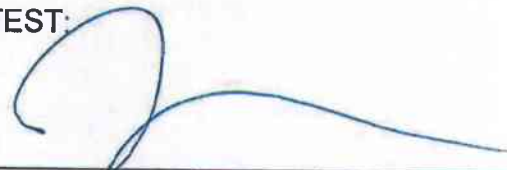
PASSED AND ADOPTED by the Executive Committee of the Coachella Valley Association of Governments, this 27th day of January, 2020, by the following vote, to-wit:

| | | |
|-----------------|-----------------|---|
| AYES: | Members: | DeConinck, Aguilar, Hernandez, Matas, Peabody, Miller, Evans, Jonathan, Kors, Perez, Hewitt |
| NOES: | Members: | None |
| ABSTAIN: | Members: | None |
| ABSENT: | Members: | Hobart, Jeffries, Spiegel, Washington, Grubbe, Welmas |



TRIBAL CHAIR JEFF GRUBBE
CVAG CHAIR
COACHELLA VALLEY ASSOCIATION
OF GOVERNMENTS

ATTEST:



TOM KIRK, CVAG EXECUTIVE DIRECTOR
CLERK OF THE BOARD
COACHELLA VALLEY ASSOCIATION
OF GOVERNMENTS

CONFLICT OF INTEREST CODE FOR THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

(A Joint Powers Authority created pursuant
to Government Code Section 6501 et seq.)

(Amended January 27, 2020)

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, Regulation 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 Coachella Valley Association of Governments (CVAG).

All officials and designated positions required to submit a statement of economic interests shall file their statements with the Executive Assistant as CVAG's Filing Officer. The Executive Assistant shall make and retain a copy of all statements filed by the Executive Committee and the Executive Director and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The Executive Assistant shall retain the original statements filed by all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code Sec. 81008).

*Approved by Board
BBK 1/27/20*

APPENDIX
CONFLICT OF INTEREST CODE
COACHELLA VALLEY ASSOCIATION
OF GOVERNMENTS

(Amended January 27, 2020)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Officials who manage public investments, as defined by 2 California Code of Regulations section 18700.3, are NOT covered by the conflict of interest code but must file disclosure statements pursuant to Government Code section 87200. [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:

Members of the Executive Committee

Executive Director

Deputy Executive Director

Director of Administrative Services

Investment Consultant

¹ An individual 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 Government Code section 87200.

DESIGNATED POSITIONS

| <u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u> | <u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u> |
|--|---|
| Assistant Regional Planner - Transportation | 2, 5 |
| Associate Regional Planner | 2, 5 |
| Director of Community Resources | 5, 6 |
| Director of Environmental Resources | 2, 3, 5, 6 |
| Director of Transportation | 2, 3, 5 |
| Executive Assistant | 5 |
| General Counsel | 1, 2 |
| Geographic Information Systems Analyst | 5 |
| GIS/Fees Program Director | 2, 5 |
| Governmental Projects Analyst | 6 |
| Governmental Projects Manager | 5, 6 |
| Information Technology Manager | 5 |
| Management Analyst (Biological Monitoring) | 5 |
| Management Analyst (Community Resources) | 5 |
| Management Analyst (Environmental Resources) | 5 |
| Management Analyst (Governmental Projects) | 6 |
| Management Analyst (Transportation) | 5 |
| Transportation Engineer | 2, 3, 5 |
| Transportation Program Manager | 2, 5 |

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

MEMBERS OF BOARDS,
COMMISSIONS AND COMMITTEES

| | |
|---|------|
| Energy & Environmental Resources Committee | 1, 2 |
| Finance Committee | 1, 2 |
| Homelessness Committee | 1, 2 |
| Public Safety Committee | 1, 2 |
| Technical Planning Sub-Committee | 1, 2 |
| Transportation Committee | 1, 2 |
| Transportation Technical Advisory Sub-Committee | 1, 2 |

Consultants and New Positions²

² Individuals providing services as a Consultant defined in Regulation 18700.3 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 the code subject to the following limitation:

The Executive Director may determine in writing 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 § 82019; FPPC Regs 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 § 81008.)

PART B

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that 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, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of CVAG.

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 CVAG.

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 CVAG.

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 CVAG.

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 CVAG.

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.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, or income from a nonprofit or other organization, if the source is of the type to receive grants or other monies from or through CVAG or its subdivisions.

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)