

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



ITEM: 2.10
(ID # 13320)

MEETING DATE:
Tuesday, September 29, 2020

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amended Conflict of Interest Code of the Jurupa Area Recreation and Park District. [District 2] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:


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

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Jeffries 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: September 29, 2020
xc: CoCo, Jurupa Area Rec & Park Dist.

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	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:	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 Jurupa Area Recreation and Park 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 Jurupa Area Recreation and Park District recently adopted Resolution No. 2020-33 amending its Conflict of Interest Code on July 23, 2020 to include new positions, revise disclosure categories, revise 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 Jurupa Area Recreation and Park 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 Jurupa Area Recreation and Park District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Jurupa Area Recreation and Park District is attached.

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

ATTACHMENTS

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

ATTACHMENT A: RESOLUTION NO. 2020-33
ATTACHMENT B: CONFLICT OF INTEREST CODE OF THE JURUPA AREA
RECREATION AND PARK DISTRICT



Gregory V. Priarios, Director County Counsel 9/17/2020

RESOLUTION NO. 2020-33

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE JURUPA AREA
RECREATION AND PARK DISTRICT ADOPTING AN AMENDED 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 Sections 81000 et seq. (the "Act") which contains provisions related to conflicts of interest which potentially affect all officers and several employees and consultants of the Jurupa Area recreation and Park District (the "District") 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 in compliance with the Act, originally in 2005, and which Conflict of Interest Code has been amended from time to time, the last such amendment being on December 11, 2014; and

WHEREAS, as part of its biennial review pursuant to California Government Code Section 87306 and as provided in that section and Section 87307 of the Act, the Board desires to amend and update the District's Conflict of Interest Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include civil or criminal liability, as well as equitable relief which could result in the District being restrained or prevented from acting where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and consideration by the Board of Directors of, the proposed amended Conflict of Interest Code was provided to each affected designated position and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held regarding adoption of the proposed amended Conflict of Interest Code on July 23, 2020 at which all present were given an opportunity to be heard upon the proposed amended Conflict of Interest Code.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE JURUPA AREA RECREATION AND PARK DISTRICT HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

1. The Board of Directors hereby adopts the amended Conflict of Interest Code, a copy of which is attached hereto and available for public inspection and copying during regular business hours at the offices of the District.
2. The amended Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of Riverside as the "code reviewing body," as required under the Act.

Adopted by the Board of Directors at a regular meeting held on July 23, 2020, by the following vote:

AYES: *R. Anderson, S. Anderson, B. Gjerulov, K. Johnson, R. Lopez*
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

Jaritta Voge

Board Clerk
(SEAL)

R. Anderson

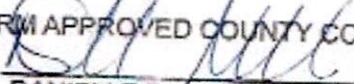
Chairman

CONFLICT OF INTEREST CODE

OF THE

JURUPA AREA RECREATION AND PARK DISTRICT

(Amended July 23, 2020)

FORM APPROVED COUNTY COUNSEL
BY: 
DANIELLE D. MALAND

CONFLICT OF INTEREST CODE
OF THE
JURUPA AREA RECREATION AND PARK DISTRICT
(Amended July 23, 2020)

The Political Reform Act of 1974 (California Government Code sections 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (the "Commission") has adopted a regulation (2 Cal. Code Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code, which can be adopted by local agencies by incorporation by reference in their local Conflict of Interest Code. After public notice and hearing, the regulation may be amended by the Commission to conform to changes in the Political Reform Act of 1974. Therefore, the terms of 2 California Code of Regulations, Section 18730 and any amendments thereto duly adopted by the Commission are hereby incorporated by reference. This incorporation page, the regulation and the attached appendix attached hereto designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Jurupa Area Recreation and Park District (the "District").

Officials required to submit a statement of economic interests shall file their statements with the District's Office Manager (and Clerk of the Board) as the District's filing Officer. The Office Manager shall make and retain a copy of all statements filed by the General Manager and the Board of Directors and forward the original of such statements to the Clerk of the Board of Supervisors of Riverside County. The Office Manager shall retain the originals of the statements of all other Designated Positions and shall make all retained statements available for public inspection and reproduction during regular business hours. (California Government Code Section 81008)

APPENDIX

CONFLICT OF INTEREST CODE OF THE JURUPA AREA RECREATION AND PARK DISTRICT (ADOPTED JULY 23, 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 subject to the District's Code, but must file disclosure statements under Government Code Section 87200, et seq. [Cal. Code of Regs. 18730 (b)(3)] These positions are listed here for informational purposes only.

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

Members of the Board of Directors

General Manager

Financial consultants

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 Government Code Section 87200.

DESIGNATED POSITIONS GOVERNED BY THE CONFLICT OF INTEREST CODE:

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORY</u> <u>ASSIGNED</u>
Deputy General Manager	1,2,3,4,5
General Counsel	1,2
Maintenance Manager	1,2,3,4,5
Office Manager	1,2,3,4,5
Recreation Manager	1,2,3,4,5
Recreation Coordinator	5
Recreation Supervisor	5
Consultant and New Positions ²	

² Individuals providing services as a Consultant as defined in Regulation 18700.3, or in a new position created since this Code was last approved that makes or participates in the 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 category. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Section 82019 and Cal. Code of Regs. 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 Section 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 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 District.

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

Category 2: All interests in real property which is located in whole or in part within, or not more than 2 miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

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 the District.

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 the District's jurisdiction if the source does not have some connection with or bearing upon the functions of the position. (Reg. 18730.1)

CONFLICT OF INTEREST CODE

OF THE

JURUPA AREA RECREATION AND PARK DISTRICT

(Amended July 23, 2020)

CONFLICT OF INTEREST CODE
OF THE
JURUPA AREA RECREATION AND PARK DISTRICT
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Officials required to submit a statement of economic interests shall file their statements with the District's Office Manager (and Clerk of the Board) as the District's filing Officer. The Office Manager shall make and retain a copy of all statements filed by the General Manager and the Board of Directors and forward the original of such statements to the Clerk of the Board of Supervisors of Riverside County. The Office Manager shall retain the originals of the statements of all other Designated Positions and shall make all retained statements available for public inspection and reproduction during regular business hours. (California Government Code Section 81008)

APPENDIX

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Part "A"

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DESIGNATED POSITIONS GOVERNED BY THE CONFLICT OF INTEREST CODE:

[Category 4 was removed in the Regulations after 2014, and the remaining categories were renumbered.]

[Former positions and categories shown in strikethrough. New positions are shown in red.]

<u>DESIGNATED POSITIONS' TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORY ASSIGNED</u>
Assistant to General Manager	1,2
Deputy General Manager	1,2,3,4,5
General Counsel	1,2
CFD Parks and Projects manager	1,2,3,4,5,6
Maintenance Manager	1,2,3,4,5
Office Manager	1,2,3,4,5,6
Parks and Recreation Manager	1,2,3,4,5,6
Recreation Manager	1,2,3,4,5
Recreation Coordinator	5 6
Recreation Supervisor	5 6
Consultant and New Positions ²	

² Individuals providing services as a Consultant as defined in Regulation 18700.3, or in a new position created since this Code was last approved that makes or participates in the 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 category. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Section 82019 and Cal. Code of Regs. 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 Section 81008)

Written Explanation of Changes to Conflict of Interest Code

The position of Assistant to General manager has been eliminated.
The position of Deputy General Manager has been added.
The position of CFD Parks and projects Manager has been eliminated.
The position of maintenance Manager has been added.
The position of Parks and recreation Manager has been eliminated.
The position of Recreation Manager has been added.

PART "B"

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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 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 District.

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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 the District.

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