

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



**ITEM: 2.11
(ID # 13627)**

MEETING DATE:
Tuesday, November 17, 2020

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amended Conflict of Interest Code of the Valley-Wide Recreation and Park District, District 3 and 5. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:


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

ACTION:Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Washington 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: November 17, 2020
xc: Co.Co., District, 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	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 Valley-Wide 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 Valley-Wide Recreation and Park District recently adopted Resolution No. 1154-20 amending its Conflict of Interest Code on September 21, 2020 to include new positions, delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions, clarify the real property disclosure and update the FPPC citations. The Valley-Wide 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 Valley-Wide Recreation and Park District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Valley-Wide Recreation and Park District is attached.

It is recommended that the Board of Supervisors approve the amended Conflict of Interest Code of the Valley-Wide Recreation and Park District, and direct the Clerk of the Board to notify the Valley-Wide 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. 1154-20
ATTACHMENT B: CONFLICT OF INTEREST CODE OF THE VALLEY-WIDE
RECREATION AND PARK DISTRICT



Gregory V. Priamos, Director County Counsel 11/5/2020

RESOLUTION NO. 1154-20

**A RESOLUTION OF THE BOARD OF DIRECTORS TO
VALLEY WIDE RECREATION AND PARK DISTRICT,
APPROVING 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 Section 81000, et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Valley Wide Recreation & 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 (the "Code") which was amended on November 17, 2014, in compliance with the Act; and

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

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on September 21, 2020, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Valley Wide Recreation & Park District that 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 Special Projects Supervisor/Clerk of the Board and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said amended Code shall be submitted to the Board of Supervisors of the County of Riverside for approval and said Code shall become effective upon approval by the Board of Supervisors of the proposed amended Code as submitted.

APPROVED AND ADOPTED this 21st day of September, 2020.

APPROVED:



Nick Schouten, President

ATTEST:



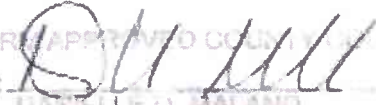
Lanay Negrete, Clerk of the Board

APPROVED AS TO FORM



GENERAL COUNSEL

**CONFLICT OF INTEREST CODE
OF THE
VALLEY-WIDE RECREATION
AND PARK DISTRICT**

FOR APPROVED COUNTY USE:

DANIELLE D. MALAND

CONFLICT OF INTEREST CODE
OF THE
VALLEY-WIDE RECREATION AND PARK DISTRICT¹

(Amended September 21, 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 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 **Valley-Wide Recreation and Park District (the "District")**.

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

¹ Language of incorporation page and Appendix updated August 2012 as provided by Fair Political Practices Commission to clarify requirements.

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
VALLEY-WIDE RECREATION AND PARK DISTRICT
(Amended September 21, 2020)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3(b), are NOT subject to the District'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 investments:²

Members of the Board of Directors

General Manager

Board Treasurer

Financial Consultant

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>
Aquatic Supervisor	5
Assistant General Manager	1, 2
Finance Manager	4
General Counsel	1, 2
Parks and Facility Foreman/Park Inspector	2, 3, 5
Park Superintendent	2, 3, 5
Public Relations/Special Projects Supervisor	5
Recreation and Park Manager	5
Special District Supervisor	2, 3, 5
Senior Recreation Supervisor	5

Consultants and New Positions³

³ 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 making decisions must file under the broadest disclosure category set forth 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 economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.⁴ Such economic interests 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, that are 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 two (2) miles outside, the jurisdiction of the District, including any leasehold, beneficial or ownership interest or option to acquire property.

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 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.

⁴ 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)

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE

OF THE

**VALLEY-WIDE RECREATION
AND PARK DISTRICT**

CONFLICT OF INTEREST CODE OF THE VALLEY-WIDE RECREATION AND PARK DISTRICT¹

(Amended ~~November 17, 2014~~ September 21, 2020)

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Finance Manager	4
General Counsel	1, 2
P.A.L. Executive Director	5
Parks and Facility Foreman/Park Inspector	2, 3, 5
Park Superintendent	2, 3, 5
Public Relations/Special Projects Supervisor	5
Recreation and Park Manager	5
Special District Supervisor	2, 3, 5
Senior Recreation Supervisor	5
Trip Coordinator/Special Events	5

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