

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



ITEM: 2.8
(ID # 13692)

MEETING DATE:
Tuesday, December 08, 2020

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amended Conflict of Interest Code of the Valley Sanitary District, District 4. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

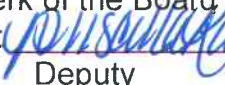
1. Approve the Amended Conflict of Interest Code of the Valley Sanitary District; and
2. Direct the Clerk of the Board to notify the Valley Sanitary District of the action taken.

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez 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: December 8, 2020
xc: Co.Co., District, COBcm

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 Sanitary 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 Valley Sanitary District recently amended its Conflict of Interest Code on October 7, 2020 to revise titles of existing positions, delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions and to clarify the real property disclosure category. The General Manager of the Valley Sanitary District has submitted a declaration stating that "The Valley Sanitary District's Conflict of Interest Code specifically enumerates each of the positions within the District which involve the making or participating in the making of decisions which may foreseeably have a material effect on financial interests." The Valley Sanitary 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 amended Conflict of Interest Code of the Valley Sanitary District and has found that it complies with statutory requirements. A complete copy of the amended Conflict of Interest Code of the Valley Sanitary District is attached.

It is recommended that the Board of Supervisors approve the amended Conflict of Interest Code of the Valley Sanitary District, and direct the Clerk of the Board to notify the Valley Sanitary District of the action taken.

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

ATTACHMENTS

ATTACHMENT A: DECLARATION OF BEVERLI MARSHALL

ATTACHMENT B: CONFLICT OF INTEREST CODE FOR THE VALLEY SANITARY
DISTRICT



Gregory F. Priamos, Director County Counsel 11/23/2020

DECLARATION OF BEVERLI MARSHALL

I, BEVERLI MARSHALL , declare as follows:

1. I am the General Manager of the Valley Sanitary District.
2. The Valley Sanitary District's Conflict of Interest Code specifically enumerates each of the positions within the District which involve the making or participation in the making of decisions which may foreseeably have a material effect on financial interests.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 7, 2020, at Indio, California.


BEVERLI MARSHALL

**CONFLICT OF INTEREST CODE
OF THE
VALLEY SANITARY DISTRICT**

FORM APPROVED COUNTY COUNSEL

BY: 
DANIELLE D. MALAND

CONFLICT OF INTEREST CODE OF THE VALLEY SANITARY DISTRICT

(Amended September 25, 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 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 Sanitary District (the "District")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Business Services Manager** as the District's Filing Officer. The **Business Services Manager** shall make and retain a copy of all statements filed by the Board of Directors and General Manager and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The **Business Services Manager** 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 § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

VALLEY SANITARY DISTRICT

(Amended September 25, 2018)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to the disclosure requirements of 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 investments¹:

Members of the Board of Directors

General Manager

Financial 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>
Assistant Engineer	3, 5
Business Services Manager	4
Collection Systems Supervisor	5
Development Services Technician	3, 5
Engineering Services Manager	1, 2
Facilities Maintenance Supervisor	5
Facilities Operation Manager	5
General Counsel	1, 2
Lab and Compliance Supervisor	5
Wastewater Operations Supervisor	5

Consultant and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg 18700.3 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 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.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, that are located in, 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 used, 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)

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE

OF THE

VALLEY SANITARY DISTRICT

CONFLICT OF INTEREST CODE OF THE VALLEY SANITARY DISTRICT

(Amended September 25, 2018)

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Assistant Engineer	3, 5
Chief Facility Operator <u>Facilities Operation Manager</u>	5
Collection Systems Supervisor	5
Development Services Technician	3, 5
Director of Engineering & Maintenance <u>Engineering Services Manager</u>	1, 2
General Counsel	1, 2
Laboratory Analyst/Coordinator <u>Lab and Compliance Supervisor</u>	5
Maintenance Supervisor <u>Facilities Maintenance Supervisor</u>	5
Management Analyst	5
Wastewater Operations Supervisor	5

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