

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



ITEM: 2.10
(ID # 20067)

MEETING DATE:

Tuesday, November 29, 2022

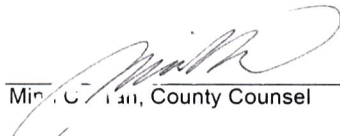
FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Revised Amendment to the 2022 Coachella Valley Mosquito & Vector Control District Conflict of Interest Code [District 4]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Amendment to the Conflict of Interest Code of the Coachella Valley Mosquito and Vector Control District as Revised; and
2. Direct the Clerk of the Board to notify the Coachella Valley Mosquito and Vector Control District of the action taken.

ACTION:Consent



Min. C-111, County Counsel

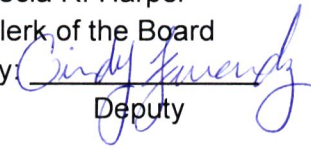
11/21/2022

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, Hewitt, and Perez
Nays: None
Absent: None
Date: November 29, 2022
xc: Co.Co., COBAB/LW, Control District

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:	N/A
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approval

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 Coachella Valley Mosquito and Vector Control 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. Under Government Code section 87303, the Board of Supervisors may approve the code as submitted, revise the code and approve as revised, or return the code to the agency for revision and resubmission.

The Coachella Valley Mosquito and Vector Control District recently amended its Conflict of Interest Code on July 12, 2022 to revise titles of existing positions that participate in making governmental decisions. The Board of Trustees for Coachella Valley Mosquito and Vector Control District has adopted Resolution No. 2022-20, amending its Conflict of Interest Code. The Coachella Valley Mosquito and Vector Control 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 Coachella Valley Mosquito and Vector Control District and has found that it requires a revision as to the Consultant position. Specifically, the revision will change the description to use the California Code of Regulations definition of consultants to provide more clarity and consistency with state guidance, and will further specify the disclosure categories assigned to this position. The Clerk of the Board of the Coachella Valley Mosquito and Vector Control District has reviewed and confirmed these revisions to be made by the Riverside County Board of Supervisors pursuant to Government Code Section 87303(b). A redline copy and a clean copy of the Conflict of Interest Code of the

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

Coachella Valley Mosquito and Vector Control District are attached along with email correspondence with the Clerk of the Board of the Coachella Valley Mosquito and Vector Control District regarding the revisions.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Coachella Valley Mosquito and Vector Control District as revised and direct the Clerk of the Board to notify the Coachella Valley Mosquito and Vector Control District of the action taken.

Impact on Residents and Businesses

N/A

Impact on Residents and Businesses

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

ATTACHMENT A. Resolution No. 2022-20 and Appendix "A" – Amended Conflict of Interest Code – Redline Copy

ATTACHMENT B. Resolution No. 2022-20 and Appendix "A" – Amended Conflict of Interest Code – Clean Copy

ATTACHMENT C. Email Correspondence re Revision


Stacy Orton 11/21/2022

RESOLUTION NO. 2022-20

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE COACHELLA
VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT BIENNIAL
ADOPTION OF
CONFLICT OF INTEREST CODE**

WHEREAS, the Coachella Valley Mosquito and Vector Control District ("District") is a special district and local government agency required by Government Code Section 87300 to promulgate a Conflict of Interest Code; and

WHEREAS, the Political Reform Act (Government Code Section 81000, et seq.) requires the District to adopt and promulgate a conflict of interest code; and

WHEREAS, the Fair Political Practices Commission ("FPPC") has adopted a provision at Title 2, section 18730 of the California Code of Regulations which sets forth the terms of a standard model conflict of interest code which may be incorporated by reference so as to constitute the adoption of a Conflict of Interest Code by the District; and

WHEREAS, the FPPC requires that every local agency review its Conflict of Interest Code every even-numbered year to determine whether amendment of its code is necessitated by changed circumstances; and

WHEREAS, the District's Board of Trustees desires to amend the District's Conflict of Interest Code by removing from the list of positions designated as being subject to the Code, the position of the Public Information Officer and adding the position of Public Information Manager.

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE COACHELLA VALLEY
MOSQUITO AND VECTOR CONTROL DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals.

The recitals set forth above are true and correct.

Section 2. Rescission.

That all previously adopted resolutions approving the District's Conflict of Interest Code are hereby rescinded.

Section 3. Code Adoption.

The District hereby adopts, by this reference, the model conflict of interest code promulgated by the FPPC as Regulation 18730 of Title 2 of the California Code of Regulations ("FPPC Model Conflict of Interest Code") as the Conflict of Interest Code for the Coachella Valley Mosquito and Vector Control District ("District Conflict of Interest Code"). A copy of the FPPC Model Conflict of Interest Code effective as of the date of adoption of this resolution is attached as Exhibit A. Future amendments to the FPPC Model Conflict of Interest Code approved by the Fair Political Practices Commission are hereby incorporated into the District Conflict of Interest Code.

Section 4. Disclosure Categories and Designated Positions.

(a) Those officials, employees and consultants designated in the attached Appendix A - Disclosure Categories and Designated Positions ("Appendix A"), incorporated herein by this reference as though fully set forth, shall be subject to the provisions of the District Conflict of Interest Code pursuant to the applicable disclosure categories.

(b) Any consultant who performs the ongoing duties of any of the designated positions shall be assigned the same disclosure categories as that position, subject to the following limitation: The District General Manager may determine in writing that a particular consultant, although a designated position, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements 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 District General Manager's determination shall be filed with the District's Clerk of the Board and is a public record and shall be retained for public inspection in the same manner and location as the District Conflict of Interest Code.

Section 5. Filing.

Pursuant to Title 2, section 18730(b)(4) of the California Code of Regulations, those officials, employees and consultants designated in Appendix A shall file statements of economic interest with the Clerk of the Board to whom the Board of Trustees of the Coachella Valley Mosquito and Vector Control District hereby delegates the authority to carry out the duties of filing officer. The annual statement of economic interests shall be duly filed no later than April 1 of each calendar year.

Section 6. Prohibition Concerning Prospective Employment.

No District employee who is designated in Appendix A shall make, participate in making, or otherwise use their official position to influence any governmental decision directly relating to any person with whom they are negotiating or has any arrangement concerning, prospective employment. For purposes of the District Conflict of Interest Code, the term "person" includes any natural person, corporation or other form of business entity and extends to any of its agents.

Section 7. Ethics Training.

Those employees designated in Appendix A shall be required to attend ethics training as set forth at Government Code section 53235.

Section 8. Violations.

Violations of the District Conflict of Interest Code by any employee designated in Appendix A may result in discipline up to and including termination. Alleged violations of this Code by an employee shall be processed as otherwise provided in the District's personnel policies and procedures.

Section 9. Transmission to the County.

The Board of Trustees hereby authorizes the Clerk of the Board to transmit a copy of this Resolution to the Board of Supervisors of the County of Riverside ("Board of Supervisors") for their approval as the code reviewing body for the District.

Section 10. Effective Date.

This Resolution shall take effect upon its approval by the Board of Supervisors.

[REMAINDER OF PAGE WAS INTENTIONALLY LEFT BLANK]

Section 11. Certification.

The Clerk of the Board shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

PASSED, ADOPTED, AND APPROVED, this 12th day of July 2022, by the following vote:

AYES: President Guitron, Trustees Delgado, Downs, Gardner, Lamb, Larson, Peña, Percy, Walker, Weightman

NOES: None

ABSENT: Trustee Kunz

ABSTAIN: None

DocuSigned by:

Benjamin Guitron, IV

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Benjamin Guitron, President
Board of Trustees

ATTEST:

DocuSigned by:

Melissa D. Tallion

79DF6EBE9DE24A2...

Melissa Tallion Clerk of the Board

APPROVED AS TO FORM:

DocuSigned by:

Lena D. Wade

5B3277ED9FC5450...

Lena D. Wade, General Counsel

REVIEWED:

DocuSigned by:

Jeremy Wittie

C25FCC71B2814B4...

Jeremy Wittie, M.S., General Manager

EXHIBIT "A"
FPPC MODEL CONFLICT OF INTEREST CODE
Effective as of July 1, 2022

[Attached]

APPENDIX A

APPENDIX TO THE CONFLICT OF INTEREST CODE FOR THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT

II. Disclosure Categories

The following categories of reportable economic interests are established:

Category 1: Persons in this category shall disclose on FPPC Form 700, Schedule B, all reportable interests in real property located within the jurisdictional boundaries of the District, or within two miles of the District's jurisdictional boundaries, or within two miles of land located outside the District's jurisdictional boundaries which is owned or used by the District..

Category 2: Persons in this category shall disclose on FPPC Form 700, Schedules C and D, all reportable income, loans and business positions.

Category 3: Persons in this category shall disclose on FPPC Form 700, Schedules A-1 and A-2, all reportable investments.

Category 4: Persons in this category shall disclose on FPPC Form 700, Schedules E and F, all reportable gifts and travel payments.

II. Designated Positions

A "Designated Position" is an officer, employee, member or consultant of the District whose position is designated in the District Conflict of Interest Code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on any financial interest as set forth at Government Code section 82019.

Any Designated Employee whose position is listed in the following table shall be required to file a Statement of Economic Interest with the Board of Supervisors of the County of Riverside, the District's code reviewing body.

DESIGNATED POSITION	DISCLOSURE CATEGORY(IES)
General Manager	1, 2, 3, 4
Administrative Finance Manager	1, 2, 3, 4
Information Technology Manager	1, 2, 3, 4
Human Resources Manager	1, 2, 3, 4

Public Information Manager	1, 2, 3, 4
Laboratory Manager	1, 2, 3, 4
Operations Manager	1, 2, 3, 4
Clerk of the Board	1, 2, 3, 4
Consultants who perform the ongoing duties of any Designated Position as defined in California Code of Regulations Section 18700.3(a)(2)	To be determined by the General Manager per the District Conflict of Interest Code 1, 2, 3, 4

RESOLUTION NO. 2022-20

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT BIENNIAL ADOPTION OF CONFLICT OF INTEREST CODE

WHEREAS, the Coachella Valley Mosquito and Vector Control District ("District") is a special district and local government agency required by Government Code Section 87300 to promulgate a Conflict of Interest Code; and

WHEREAS, the Political Reform Act (Government Code Section 81000, et seq.) requires the District to adopt and promulgate a conflict of interest code; and

WHEREAS, the Fair Political Practices Commission ("FPPC") has adopted a provision at Title 2, section 18730 of the California Code of Regulations which sets forth the terms of a standard model conflict of interest code which may be incorporated by reference so as to constitute the adoption of a Conflict of Interest Code by the District; and

WHEREAS, the FPPC requires that every local agency review its Conflict of Interest Code every even-numbered year to determine whether amendment of its code is necessitated by changed circumstances; and

WHEREAS, the District's Board of Trustees desires to amend the District's Conflict of Interest Code by removing from the list of positions designated as being subject to the Code, the position of the Public Information Officer and adding the position of Public Information Manager.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals.

The recitals set forth above are true and correct.

Section 2. Rescission.

That all previously adopted resolutions approving the District's Conflict of Interest Code are hereby rescinded.

FORM APPROVED COUNTY COUNSEL
BY: *Kathryn E. Romo*
KATHRYN E. ROMO
DATE 10/19/22

Section 3. Code Adoption.

The District hereby adopts, by this reference, the model conflict of interest code promulgated by the FPPC as Regulation 18730 of Title 2 of the California Code of Regulations ("FPPC Model Conflict of Interest Code") as the Conflict of Interest Code for the Coachella Valley Mosquito and Vector Control District ("District Conflict of Interest Code"). A copy of the FPPC Model Conflict of Interest Code effective as of the date of adoption of this resolution is attached as Exhibit A. Future amendments to the FPPC Model Conflict of Interest Code approved by the Fair Political Practices Commission are hereby incorporated into the District Conflict of Interest Code.

Section 4. Disclosure Categories and Designated Positions.

(a) Those officials, employees and consultants designated in the attached Appendix A - Disclosure Categories and Designated Positions ("Appendix A"), incorporated herein by this reference as though fully set forth, shall be subject to the provisions of the District Conflict of Interest Code pursuant to the applicable disclosure categories.

(b) Any consultant who performs the ongoing duties of any of the designated positions shall be assigned the same disclosure categories as that position, subject to the following limitation: The District General Manager may determine in writing that a particular consultant, although a designated position, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements 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 District General Manager's determination shall be filed with the District's Clerk of the Board and is a public record and shall be retained for public inspection in the same manner and location as the District Conflict of Interest Code.

Section 5. Filing.

Pursuant to Title 2, section 18730(b)(4) of the California Code of Regulations, those officials, employees and consultants designated in Appendix A shall file statements of economic interest with the Clerk of the Board to whom the Board of Trustees of the Coachella Valley Mosquito and Vector Control District hereby delegates the authority to carry out the duties of filing officer. The annual statement of economic interests shall be duly filed no later than April 1 of each calendar year.

Section 6. Prohibition Concerning Prospective Employment.

No District employee who is designated in Appendix A shall make, participate in making, or otherwise use their official position to influence any governmental decision directly relating to any person with whom they are negotiating or has any arrangement concerning, prospective employment. For purposes of the District Conflict of Interest Code, the term "person" includes any natural person, corporation or other form of business entity and extends to any of its agents.

Section 7. Ethics Training.

Those employees designated in Appendix A shall be required to attend ethics training as set forth at Government Code section 53235.

Section 8. Violations.

Violations of the District Conflict of Interest Code by any employee designated in Appendix A may result in discipline up to and including termination. Alleged violations of this Code by an employee shall be processed as otherwise provided in the District's personnel policies and procedures.

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Section 11. Certification.

The Clerk of the Board shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

PASSED, ADOPTED, AND APPROVED, this 12th day of July 2022, by the following vote:

AYES: President Guitron, Trustees Delgado, Downs, Gardner, Lamb, Larson, Peña, Percy, Walker, Weightman

NOES: None

ABSENT: Trustee Kunz

ABSTAIN: None

DocuSigned by:

Benjamin Guitron, IV

Benjamin Guitron, President
Board of Trustees

ATTEST:

DocuSigned by:

Melissa A. Tallion

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Melissa Tallion Clerk of the Board

APPROVED AS TO FORM:

DocuSigned by:

Lena D. Wade

5B3277FD9FC5450...

Lena D. Wade, General Counsel

REVIEWED:

DocuSigned by:

Jeremy Wittie

Jeremy Wittie, M.S., General Manager

EXHIBIT "A"
FPPC MODEL CONFLICT OF INTEREST CODE
Effective as of July 1, 2022

[Attached]

APPENDIX A

APPENDIX TO THE CONFLICT OF INTEREST CODE FOR THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT

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Category 4: Persons in this category shall disclose on FPPC Form 700, Schedules E and F, all reportable gifts and travel payments.

II. Designated Positions

A "Designated Position" is an officer, employee, member or consultant of the District whose position is designated in the District Conflict of Interest Code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on any financial interest as set forth at Government Code section 82019.

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Human Resources Manager	1, 2, 3, 4

Public Information Manager	1, 2, 3, 4
Laboratory Manager	1, 2, 3, 4
Operations Manager	1, 2, 3, 4
Clerk of the Board	1, 2, 3, 4
Consultants as defined in California Code of Regulations Section 18700.3(a)(2)	1, 2, 3, 4

From: [Melissa Tallion](#)
To: [Romo, Kathryn](#)
Cc: [Jeremy Wittie](#)
Subject: RE: Coachella Valley Mosquito and Vector Control District Conflict of Interest and Appendix
Date: Thursday, October 13, 2022 10:56:33 AM
Attachments: [image002.png](#)

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Kathryn

Thank you for reaching out to clarify the changes needed. I approve the redline and appreciate your assistance.

Please let me know if there is anything else you need from me.

Best,
Melissa



Melissa Tallion
Executive Assistant/Clerk of the Board
Office (760) 342-8287 [REDACTED]
[REDACTED]
www.cvmosquito.org
CV Mosquito and Vector Control District

From: Romo, Kathryn <KRomo@Rivco.org>
Sent: Thursday, October 13, 2022 9:45 AM
To: Melissa Tallion <MTallion@cvmosquito.org>
Subject: RE: Coachella Valley Mosquito and Vector Control District Conflict of Interest and Appendix

Good morning Melissa,

Thank you again for your help on this matter. This will confirm our discussion wherein you authorized the County to revise the Coachella Valley Mosquito and Vector Control District's Conflict of Interest Code pursuant to Government Code Section 87303 allowing the County of Riverside Board of Supervisors to revise the District's Code and approve it as revised. Specifically, the following revisions are only being made as to consultants in order to provide more clarity: use the California Code of Regulations definition of Consultants and assign consultants disclosure categories 1, 2, 3, 4.

Attached is the redline for your review and confirmation.

Sincerely,

Kathryn Romo
Deputy County Counsel

Office of County Counsel - County of Riverside
3960 Orange Street, Suite 500
Riverside, CA 92501
Phone: (██████████)
Email: KRomo@rivco.org



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From: Romo, Kathryn
Sent: Wednesday, October 12, 2022 4:54 PM
To: MTallion@cvmosquito.org
Subject: Coachella Valley Mosquito and Vector Control District Conflict of Interest and Appendix

Hi Melissa,

I am reviewing this conflict of interest code on behalf of the County and wanted to discuss the consultants listed on the appendix. If you could give me a call tomorrow at my direct line below, I'd appreciate it!

Thanks,

Kathryn Romo
Deputy County Counsel
Office of County Counsel - County of Riverside
3960 Orange Street, Suite 500
Riverside, CA 92501
Phone: (██████████)
Email: KRomo@rivco.org



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County of Riverside California