

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



ITEM: 2.5
(ID # 24393)

MEETING DATE:
Tuesday, April 02, 2024

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of an Amended Conflict of Interest Code for Coachella Valley Conservation Commission; District 4; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

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

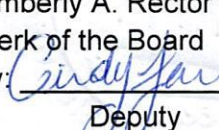
ACTION:Consent


Minh C. Tran, County Counsel 3/18/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Gutierrez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: April 2, 2024
xc: CO. CO., Commission, COBAB

Kimberly A. Rector
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: [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 Coachella Valley Conservation Commission.

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 Coachella Valley Conservation Commission recently amended its Conflict of Interest Code on November 9, 2023 to add or revise titles of existing positions that participate in making governmental decisions. The Commissioners for Coachella Valley Conservation Commission has adopted Resolution No. 2023-007, amending its Conflict of Interest Code. The Coachella Valley Conservation Commission 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 Conservation Commission and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Coachella Valley Conservation Commission is attached.

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

Impact on Residents and Businesses

N/A

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Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Attachment A: Resolution 2023-007

Attachment B: Conflict of Interest Code for the Coachella Valley Conservation
Commission

RESOLUTION NO. 2023-007

RESOLUTION OF THE COACHELLA VALLEY CONSERVATION COMMISSION 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 Conservation Commission ("CVCC") and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Coachella Valley Conservation Commission adopted a Conflict of Interest Code (the "Code") which was amended on November 12, 2015; and

WHEREAS, subsequent changed circumstances within CVCC have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update CVCC'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 CVACC 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 Coachella Valley Conservation Commission, 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 on November 9, 2023, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CVCC AS FOLLOWS:

1. The Coachella Valley Conservation Commission does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Management Analyst – Administration 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 Coachella Valley Conservation Commission, this 9th day of November, 2023:



Gary Gardner, CVCC CHAIR

ATTEST:



Tom Kirk, EXECUTIVE DIRECTOR

CONFLICT OF INTEREST CODE FOR THE COACHELLA VALLEY CONSERVATION COMMISSION

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

(Amended November 9, 2023)

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 Conservation Commission (CVCC).

All officials and designated positions required to submit a statement of economic interests shall file their statements with the Management Analyst I (Administration) as CVCC's Filing Officer. The Management Analyst I (Administration) shall make and retain a copy of all statements filed by the Member of the Coachella Valley Conservation Commission and the Management Analyst I (Administration) and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The Management Analyst I (Administration) 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).

All officials and designated positions required to submit a statement of economic interests shall receive ethics training as required pursuant to Government Code section 53235 (AB 1234). The CVCC's Filing Officer shall annually provide all filers with information on training available to meet the requirements of Section 53235, and maintain required records indicating the dates that filers satisfied the training requirements and the entity that provided the training. These records shall be retained for five years after the date of training and are public records subject to disclosure under the California Public Records Act. (Gov. Code § 53235.2.)

APPENDIX

CONFLICT OF INTEREST CODE

COACHELLA VALLEY CONSERVATION COMMISSION

(Amended November 9, 2023)

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:

Executive Director

Chief Operating Officer

Director of Finance and Administration

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>
Clerk	2
Director of Land and Habitat Conservation	1
General Counsel	1
Management Analyst (Land and Habitat Conservation)	1
Management Analyst I (Administration)	2
Program Manager (Conservation)	1

MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES

Member of the Coachella Valley Conservation Commission (CVCC)	1
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*Consultants and New Positions²

² Individuals serving as a Consultant as defined in FPPC Reg 18701 or in a new position created since this Code was last approved that makes or participates in making decisions must 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. Such written determination shall include a clear description of the duties and, based upon that description, a statement of the extent of disclosure requirements. 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.

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 the designated 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 CVCC.

CATEGORY 1

Filers in this category shall disclose the following:

- a) All investments, business positions in business entities and sources of income, including gifts, loans and travel payments.
- b) Interests in real property located in the jurisdiction.

CATEGORY 2

Filers in this category shall disclose the following:

- a) All investments, business positions in business entities and income, including gifts, loans, and travel payments from sources that provide leased facilities, goods, equipment, vehicles, machinery, or services, including training or consulting services, of the type utilized by the Agency.

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)