

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

451A



FROM: County Counsel

SUBMITTAL DATE: March 7, 2005

SUBJECT: Approval of the amended appendix to the Conflict of Interest Code for the Desert Water Agency

RECOMMENDED MOTION: That the Board of Supervisors approve the amended appendix for the conflict of interest code submitted by the Desert Water Agency

BACKGROUND: Government Code Section 87306.5 requires that all local agencies review their codes and make any appropriate amendments to their conflict of interest codes, and the listing of designated positions for employees who must disclose along with the types of disclosure required.

The Desert Water Agency recently revised the appendix for its conflict of interest code and has submitted the revised appendix for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the revised appendix and has found that it complies with statutory requirements. It is recommended that the new appendix be approved and that the clerk notify the Agency of the action taken.

Lee A. Vinocour

LEE A. VINOCOUR
Deputy County Counsel

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COUNTY OF RIVERSIDE
02 APR - 11 AM '05
OFFICE EXECUTIVE

C.E.O. RECOMMENDATION:

APPROVE

Lisa Brandl

County Executive Office Signature

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

2.9

LEGISLATIVE VERSION
(SHOWING CHANGES MADE)
APPENDIX

CONFLICT OF INTEREST CODE

OF THE

DESERT WATER AGENCY

(Amended ~~December 1, 1998~~ November 2, 2004)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Agency Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the Agency's Code, but are subject to the disclosure requirements of the Act (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 investments³:

Accounting Supervisor
Assistant General Manager-Administration
Auditor
Board of Directors
ControllerFinance Director
General Manager
Financial Consultants ⁴

³ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Services Officer	4,5
Assistant General Manager-Operations	<u>1, 2, 3, 6</u>
Chief Engineer	1, 2
Construction Superintendent	3, 6
Consulting Engineer	1, 2
Customer Service Supervisor	6
<u>Electrical Services Supervisor</u>	<u>6</u>
Engineer	6
Engineering Supervisor	3, 6
<u>Facilities & Safety Coordinator</u>	<u>2, 3, 6</u>
<u>Fleet Maintenance Foreman</u>	<u>6</u>
General Counsel	1, 2
<u>Human Resources Manager</u>	<u>6</u>
<u>Information-Systems & Services Administrator-Supervisor</u>	6
Office Manager	4,5
Operations Engineer	6
Operations Superintendent	6
<u>Programmer Analyst</u>	<u>6</u>

Purchasing Agent	5,
Assistant Secretary of the Board	5
Service Planning Supervisor	3, 6
Telemetry Supervisor	6
Water Service Superintendent	6
Consultant ⁴	

⁴ Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described 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 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.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income from, ~~business entities~~, that are located in, do business in, or own real property within the jurisdiction of the Agency, ~~plan to do business or own real property within the jurisdiction of the Agency within the next year, or have done business or owned real property within the jurisdiction of the Agency within the past two~~ (2) years.

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 Agency.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Agency, ~~plan to engage in such activities within the jurisdiction of the Agency within the next year, or have engaged in such activities within the jurisdiction of the Agency within the past two~~ (2) years.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Agency.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.