

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

822A



FROM: County Counsel

SUBMITTAL DATE:
November 29, 2012

SUBJECT: Approval of the Conflict of Interest Code of the Mission Springs Water District

RECOMMENDED MOTION: That the Board of Supervisors approves the Conflict of Interest Code submitted by Mission Springs Water District.

BACKGROUND: Government Code section 87306.5 requires that all local agencies review their Conflict of Interest Code, and the listings of designated positions for employees who must disclose along with the types of disclosure required, and make appropriate amendments to each as required.

(Continued)

Departmental Concurrence

TAWNY V. LIEU, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A
SOURCE OF FUNDS:				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Denise C. Harden

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dept' Recomm.:
Per Exec. Ofc.:

Government Code Section 82011 identifies the Board of Supervisors for the County, within which a local government agency (as defined by Government Code Section 82041) is located. A local government agency, as defined by Government Code Section 82041, includes a water district.

The Mission Springs Water District revised the appendix to its Conflict of Interest Code, via Resolution No. 2012-14, and has submitted it 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 Board of Supervisors approve Mission Springs Water District's Appendix to its Conflict of Interest Code as revised and that the Clerk of the Board notify the Agency of the action taken.

RESOLUTION NO. 2012-14

**BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT
AMENDING ITS CONFLICT OF INTEREST CODE AND
RESCINDING RESOLUTION NO. 2009-01**

WHEREAS, the Political Reform Act ("Act") (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission ("Commission") has adopted a regulation (2 California Code of Regulations Section 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code; and

WHEREAS, after public notice and hearing, the standard code may be amended by the Commission to conform to amendments in the Act; and

WHEREAS, the Mission Springs Water District desires to adopt and incorporate by reference the terms of 2 California Code of Regulations Section 18730, and any and all amendments thereto adopted by the Commission;

NOW THEREFORE, be it resolved as follows:

Section 1. Adoption of Code by Reference

The Political Reform Act ("Act") (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("Commission") has adopted a regulation (2 California Code of Regulations Section 18730) which 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, the standard code may be amended by the Commission to conform to amendments in the Act;

Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Commission are hereby incorporated by reference. This regulation and the attached Appendices "A" and "B" designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code ("Code") for the Mission Springs Water District ("District").

Section 2. Place of Filing

Designated employees shall file a statement of economic interests with the Secretary to the Board of Directors of the District ("Board"). Upon receipt of the statements of the Board, the Secretary to the Board shall make and retain a copy of the statements and forward the original statements to the County of Riverside. Statements for all other designated employees shall be retained by the District.

Section 3. Violations

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act, Government Code Sections 81000 et seq., as it may be amended from time to time,

Section 4. Repeal of Resolutions

The Board does hereby repeal Resolution No. 2009-01 in its entirety and adopt the foregoing as the Conflict of Interest Code for the Mission Springs Water District.

ADOPTED this 17th day of September 2012, by the following vote:

Ayes: Bowman, Brown, Furbee, Martin, Wright
Noes:
Absent:



Nancy Wright
President of Mission Springs Water District
and its Board of Directors

Attest:



Arden Wallum
Secretary of Mission Springs Water District
and its Board of Directors

APPROVED AS TO FORM:



Attorney

APPENDIX A

DESIGNATED FILERS

DESIGNATED FILERS

DISCLOSURE CATEGORIES

Administrative Officer	All (1-3)
Director of Operations and Maintenance	All (1-3)
Director of Engineering Projects	All (1-3)
Engineering Manager	All (1-3)
Executive Assistant	All (1-3)
Senior Project Manager	All (1-3)
Legal Counsel	All (1-3)
Consultants*	All (1-3)

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below manage public investments and shall file a Statement of Economic Interests pursuant to Government Code Section 87200:

Board of Directors
General Manager
Director of Finance

*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 limitations:

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 determinations 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.

The designated position of Consultants includes special legal counsel retained by the District as a position subject to the foregoing specialized disclosure category.

APPENDIX B

DISCLOSURE CATEGORIES

This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200. Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Appendix A specify which kinds of financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Appendix A. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

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: Interest in real property.

Category 2: All investments and business positions in any business entity and income from any sources which are (1) a private water company; or (2) an entity or person engaged in farming or real estate development or an owner of real property.

Category 3: Investment and business positions in business entities, and sources of income, which provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

FORM APPROVED COUNTY COUNSEL

BY:


TAWNY V. LIEU

11/29/12
DATE