

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



FROM: County Counsel

SUBMITTAL DATE:
September 13, 2016

SUBJECT: Desert Water Agency Conflict of Interest Code [District 4, \$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Conflict of Interest Code for the Desert Water Agency; and
2. Direct the Clerk of the Board to notify the Desert Water Agency of the action taken.

Consent

BACKGROUND:

Summary

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 disclosures required, and make appropriate amendments to each as required.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	N/A
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: [CEO use]

MINUTES OF THE BOARD OF SUPERVISORS

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



SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Desert Water Agency Conflict of Interest Code [District 4, \$0]
DATE: September 13, 2016
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BACKGROUND:

Summary (continued)

Government Code section 82011 identifies the Board of Supervisors for the County of Riverside as the code reviewing body for a local government agency within its county. A local government agency, as defined by Government Code section 82041, includes the Desert Water Agency.

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

This office has reviewed the Conflict of Interest Code (appendix) and has found that it complies with statutory requirements. A complete copy of the Desert Water Agency Conflict of Interest Code is attached.

It is recommended that the Board of Supervisors approve the Desert Water Agency Conflict of Interest Code (appendix, as revised) and that the Clerk of the Board notify the Agency of the action taken.

Impact on Residents and Businesses

N/A

ATTACHMENTS:

ATTACHMENT A. Conflict of Interest Code of the Desert Water Agency

DESERT WATER AGENCY
CONFLICT OF INTEREST CODE

(Amended September 18, 2012)

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 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 **Desert Water Agency** (the "Agency").

All officials and designated positions shall file their statements of economic interests with the **Executive Secretary** as the Agency's Filing Officer/Official. The **Executive Secretary** shall make and retain a copy of all statements filed by Members of the Board of Directors and the General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The **Executive Secretary** shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

DESERT WATER AGENCY

(Amended September 18, 2012)¹

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Agency Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3(b), are NOT subject to the Agency'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 investments²:

Board of Directors

Finance Director

General Manager

Investment Consultants

¹ Removed abolished positions, revised titles, updated references to Regulations and added clarifying language as provided by the Fair Political Practices Commission in September of 2016.

² 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.

LAW OFFICES OF
BEST BEST & KRIEGER
LLP

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>
Accounting Supervisor	4
Assistant Construction Superintendent	3, 5
Assistant General Manager	1, 2
Chief Engineer	1, 2
Construction Superintendent	3, 5
Consulting Engineer	1, 2
Controller	1, 2
Customer Service Supervisor	5
Electrical Services Supervisor	5
Engineer	5
Executive Secretary/Assistant Secretary to the Board	4
Facilities & Safety Officer	2, 3, 5
Fleet Mechanic Foreman	5
General Counsel	1, 2
Human Resources Manager	5
Information Systems Administrator	5
Laboratory Director	5
Operations Engineer	5

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DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Outreach & Conservation Associate	5
Outreach & Conservation Manager	5
Purchasing Agent	4
Water Operations Supervisor	5

Consultants and New Positions³

³ Individuals serving as a consultant as defined in FPPC Reg. 18700.3(a) or a new position created since the Code was last adopted which make or participate in the making of decisions, must file under the broadest disclosure category 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 designate a limited disclosure requirements. 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 Agency.

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 Agency.

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 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 Agency.

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 Agency.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loan and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type 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)