

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

916A



FROM: County Counsel

SUBMITTAL DATE:
May 5, 2015

SUBJECT: Approval of the Conflict of Interest Code of the Eastern Municipal Water District; Districts 1,3,5; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Conflict of Interest Code submitted by Eastern Municipal Water District; and
2. Direct the Clerk of the Board to notify Eastern Municipal Water District of the action taken.

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

Departmental Concurrence

GREGORY P. PRIAMOS
County Counsel

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost: | POLICY/CONSENT (per Exec. Office) |
|-----------------------------|----------------------|-------------------|-------------|-------------------------------|-----------------------------------------------------------------------------|
| COST | \$ N/A | \$ N/A | \$ N/A | \$ N/A | Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/> |
| 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:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Washington and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Washington, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: May 19, 2015
xc: Co.Co., District, COB_{cm}

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 9/10/13, 2-12 | District: 1, 3, 5 | Agenda Number:

2-1

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Eastern Municipal Water District**

DATE: May 5, 2015

PAGE: 2 of 2

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 Eastern Municipal Water District.

Eastern Municipal Water District recently revised its Conflict of Interest Code and has submitted it to the Board of Supervisors as the code reviewing body.

This office has reviewed the revised Conflict of Interest Code and has found that it complies with statutory requirements. A copy of Eastern Municipal Water District's revisions to its Conflict of Interest Code is attached.

It is recommended that the Board of Supervisors approve Eastern Municipal Water District's Code as revised and that the Clerk of the Board notify the Agency of the action taken.

Impact on Citizens and Businesses

N/A.

e. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(3) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

2.516 DISQUALIFICATION²⁰

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable, materially financial effect, distinguishable from its effect on the public generally, on the official, or a member of his or her immediate family or on:

- (a) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (b) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
- (c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made;
- (d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to, received by, or promised to the

²⁰ Section 2.516(e) amended by Resolution No. 2015-011 on March 18, 2015.

designated employee within 12 months prior to the time when the decision is made.

2.517 DISCLOSURE OF DISQUALIFYING INTEREST

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

2.518 ASSISTANCE OF THE COMMISSION AND COUNSEL

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

2.519 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 Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code sections 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003 of the Government Code.

2.520 FILING DISCLOSURE STATEMENTS^{21,22}

The following employees are designated to file conflicts of interest disclosure statements for the disclosure categories specified, the definitions of which are contained in §2.509 of the Administrative Code.

| <u>DESIGNATED POSITION</u> | <u>DISCLOSURE CATEGORY</u> |
|------------------------------------------------------------------------|-----------------------------------|
| General Manager | 1, 2, 3 |
| Deputy General Manager | 1, 2, 3 |
| Assistant General Manager of Planning, Engineering and Construction | 1, 2, 3 |
| Assistant General Manager of Operations and Maintenance | 1, 2, 3 |
| Attorneys | 2, 3 |
| Buyer | 2, 3 |
| Consultants | 1, 2, 3 |
| Controller | 1, 2, 3 |
| Contracts Officer | 1, 2, 3 |
| Director of Customer Service | 1, 2, 3 |
| Director of New Business | 1, 2, 3 |
| Senior Director of Engineering | 1, 2, 3 |
| Director of Engineering Services | 1, 2, 3 |
| Director of Environmental & Regulatory Compliance | 1, 2, 3 |
| Director of Field Engineering | 1, 2, 3 |
| Director of Finance | 1, 2, 3 |
| Director Human Resources | 1, 2, 3 |
| Director of Information Systems | 1, 2, 3 |
| Director of Interagency Relations | 1, 2, 3 |
| Director of Maintenance | 1, 2, 3 |
| Director of Planning | 1, 2, 3 |
| Senior Director of Public and Governmental Affairs | 1, 2, 3 |

²¹ Section 2.520 amended by Resolution No. 2014-054 on May 21, 2014.

²² Section 2.520 amended by Resolution No. 2015-011 on March 18, 2015.

| | |
|---------------------------------------------------|---------|
| Senior Director of Planning and Environmental | 1, 2, 3 |
| Director of Purchasing & Contracts | 1, 2, 3 |
| Director of Safety, Risk and Emergency Management | 1, 2, 3 |
| Director of Water Operations | 1, 2, 3 |
| Director of Water Reclamation | 1, 2, 3 |
| Legislative Analyst | 2, 3 |
| Manager of Laboratory & Water Quality Services | 2, 3 |
| Purchasing Manager | 1, 2, 3 |
| Right-of-Way Manager | 1, 2, 3 |
| Safety & Risk Manager | 2, 3 |
| Warehouse Manager | 2, 3 |

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS:

| | |
|--------------------------------------------|---------|
| Board of Directors | 1, 2, 3 |
| Treasurer | 1, 2, 3 |
| Deputy General Manager | 1, 2, 3 |
| Director of Finance | 1, 2, 3 |
| Controller | 1, 2, 3 |
| Financial Manager III (Debt & Investments) | 1, 2, 3 |

Individuals who perform the duties of any designated position under contract shall file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position. The level of disclosure shall be determined by the General Manager.

Individuals who participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the agency under contract which could affect financial interests shall be required to file Statements of Economic Interests.