

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



ITEM
2.4
(ID # 6701)

MEETING DATE:

Tuesday, April 10, 2018

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approve the Conflict of Interest Code of the Western Riverside County Regional Wastewater Authority [All Districts] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Conflict of Interest Code of the Western Riverside County Regional Wastewater Authority; and
2. Direct the Clerk of the Board to notify the Western Riverside County Regional Wastewater Authority of the action taken.

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: April 10, 2018
xc: Co.Co., Authority, COBcm, BBK

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
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

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 revisions if necessary.

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. A local government agency, as defined by Government Code Section 82041, includes the Western Riverside County Regional Wastewater Authority.

The Western Riverside County Regional Wastewater Authority recently revised its Conflict of Interest Code to include proper information in the Incorporation Page for filing and handling SEIs, revise titles of existing positions, delete positions that no longer exist with the Authority, include new positions that must be designated, and amend information regarding disclosure categories to help clarify disclosure requirements. The Western Riverside County Regional Wastewater Authority's Board of Directors approved its revised Conflict of Interest Code on January 25, 2018, and has submitted it for approval by 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 complete copy of the Conflict of Interest Code of the Western Riverside County Regional Wastewater Authority, as revised, is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Western Riverside County Regional Wastewater Authority, as revised, and direct the Clerk of the Board to notify the Western Riverside County Regional Wastewater Authority of the action taken.

Impact on Residents and Businesses

N/A

Additional Fiscal Information

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

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Attachment A: CONFLICT OF INTEREST CODE OF THE WESTERN RIVERSIDE
COUNTY REGIONAL WASTEWATER AUTHORITY

Attachment B: RESOLUTION NO. 18-001: RESOLUTION OF THE BOARD OF
DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL
WASTEWATER AUTHORITY AMENDING THE CONFLICT OF
INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT
OF 1974


Ivan Chand, Deputy County Executive Officer

4/2/2018


Gregory V. Priamos, Director County Counsel

3/23/2018

LAW OFFICES OF
BEST BEST & KRIEGER LLP

CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL WASTEWATER AUTHORITY

FORM APPROVED COUNTY COUNSEL
BY: *D.M.* 3/22/18
DANIELLE D. MALAND DATE

CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL WASTEWATER AUTHORITY

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 **Western Riverside County Regional Wastewater Authority (WRCRWA)**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Executive Assistant** as WRCRWA's Filing Officer. The **Executive Assistant** shall make and retain a copy of all statements filed by the Board of Directors and Administrator and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The **Executive Assistant** 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 § 81008.)

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL WASTEWATER AUTHORITY
PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

WRCRWA officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to WRCRWA'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 investments¹:

Members of the Board of Directors and Executive Committee

Administrator/Chief Finance Officer

¹ 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.

DESIGNATED POSITIONS

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Accounting Manager	4
Application Specialist (ALL)	5
Civil Engineer	2, 3, 5
Communication Manager	5
Construction Management Manager	2, 3, 5
Deputy Director of Operations	5, 7, 8
Deputy Director of Water Resources	2, 3, 5
Deputy General Manager	1, 2
Director of Administration	4
Director of Engineering	2, 3, 5, 7, 8
Director of Finance	1, 2
Director of Human Resources	5
Director of Operations	5
Financial Analyst (ALL)	4
General Counsel	1, 2
Governmental Affairs Officer	1
Information Technology Manager	5
Information Technology Specialist (ALL)	5
Management Analyst	1
Operations Supervisor	5
Principal Engineer	2, 3, 5
Program Specialist	5
Purchasing Specialist	4
Safety Officer	4
Senior Civil Engineer	2, 3, 5

LAW OFFICES OF
BEST BEST & KRIEGER LLP

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Source Control Program Manager

2, 3, 5, 6

Source Program Specialist

6

MEMBERS OF BOARDS,
COMMITTEES AND COMMISSIONS

Executive Committee

1, 2

Consultants and New Positions²

² Individuals providing services as a consultants defined in FPPC Regulation 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure category in this Code subject to the following limitation:

The Administrator may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code § 82019; FPPC Regs 18219 and 18734.). The Administrator'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 § 81008.)

EXHIBIT "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, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the WRCRWA.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in or own real property within the jurisdiction of WRCRWA.

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 WRCRWA.

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 WRCRWA.

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 WRCRWA.

Category 5: 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 designated position's department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the designated position's department, unit or division.

Category 7: All investments and business positions in business entities, and income, including gifts, loans and travel payments, from sources, that filed a claim against WRCRWA during the previous two years, or have a claim pending against WRCRWA.

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)

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Category 8: All investments and business positions in business entities, and income, including gifts, loans and travel payments, or income from a nonprofit organization, if the entity or source is of the type to receive grants or other monies from or through WRCRWA.

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LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE

OF THE

WESTERN RIVERSIDE COUNTY

REGIONAL WASTEWATER AUTHORITY

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01376.00257\30396797.2

BBK – January 2018

CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL WASTEWATER AUTHORITY

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~~positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.) All officials and designated positions required to submit a statement of economic interests shall file their statements with the Executive Assistant as the WRCRWA's Filing Officer/Official. The Executive Assistant shall retain the originals of the statements filed by all officials and designated positions and make the statements available for public inspection and reproduction during regular business hours. (Gov. Code Section 81008).~~

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL WASTEWATER AUTHORITY
EXHIBIT PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District WRCRWA officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to the WRCRWA'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 investments¹:

Members of the Board of Directors and Executive Committee

Administrator/Chief Finance Officer

Assistant General Manager/Chief Financial Officer

¹ 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.

DESIGNATED POSITIONS

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Accounting Manager	4
Application Specialist (ALL)	5
Assistant General Manager/Chief Operating Officer	2, 3, 4, 7, 8
Associate Analyst	5
Associate Civil Engineer	2, 3, 5
Civil Engineer	2, 3, 5
Community Affairs Supervisor <u>Communication Manager</u>	5
Construction Management Supervisor <u>Manager</u>	2, 3, 5
Deputy Director of Operations	5, 7, 8
<u>Deputy Director of Water Resources</u>	<u>2, 3, 5</u>
Deputy General Manager	1, 2
Director of Administration	4
Director of Community & Governmental Affairs <u>Officer</u>	1
Director of Engineering	2, 3, 5, 7, 8
Director of Finance	1, 2
Director of Operations	5
Financial Analyst (ALL)	4
General Counsel	1, 2
<u>Director of Human Resources</u> Manager	5
Information Technology Manager	5
Information Technology Specialist (ALL)	5
Management Analyst	1
Operations Supervisor	5
Principal Engineer	2, 3, 5
Program Specialist (except purchasing)	5
Program Purchasing Specialist (purchasing)	4
Safety and Risk Program Manager <u>Officer</u>	4
Senior <u>Civil Engineer</u>	2, 3, 5

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Source Control Program Manager

2, 3, 5, 6

Source Program Specialist

6

MEMBERS OF BOARDS,
COMMITTEES AND COMMISSIONS

Executive Committee

1, 2

Consultants and New Positions²

² Individuals providing services as a consultants defined in FPPC Regulation 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to must file under the broadest disclosure category in this Code subject to the following limitation:

The Administrator may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. 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 Regs 18219 and 18734.). The Administrator'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.)

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LAW OFFICES OF
BEST BEST & KRIEGER LLP

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CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL WASTEWATER AUTHORITY

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WESTERN RIVERSIDE COUNTY
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EXHIBIT "A"

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Associate Civil Engineer	2, 3, 5
Civil Engineer	2, 3, 5
Community Affairs Supervisor	5
Construction Management Supervisor	2, 3, 5
Deputy Director of Operations	5,7,8
Deputy General Manager	1, 2
Director of Administration	4
Director of Community & Governmental Affairs	1
Director of Engineering	2, 3, 5,7,8
Director of Finance	1, 2
Director of Operations	5
Financial Analyst	4
General Counsel	1, 2
Human Resources Manager	5
Information Technology Manager	5
Information Technology Specialist (ALL)	5
Management Analyst	1
Operations Supervisor	5
Principal Engineer	2, 3, 5
Program Specialist (except purchasing)	5
Program Specialist (purchasing)	4
Safety and Risk Program Manager	4
Senior Engineer	2, 3, 5

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Source Control Program Manager

2, 3, 5, 6

Consultants and New Positions²

² Individuals providing services as a consultant/new position defined in FPPC Regulation 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Administrator may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. 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 Administrator'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.)

EXHIBIT "B"

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This is the last page of the conflict of interest code for Western Riverside County Regional Wastewater Authority.



CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict of interest code for Western Riverside County Regional Wastewater Authority was approved on 6/6/ 2016. This code will become effective on 7/6/ 2016.

A handwritten signature in black ink, appearing to be "B. Lau", is written over a solid horizontal line.

Brian G. Lau

Senior Commission Counsel

Fair Political Practices Commission

RESOLUTION NO. 18-001

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY REGIONAL WASTEWATER
AUTHORITY AMENDING 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 Western Riverside County Regional Wastewater Authority ("WRCRWA") and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was approved by the Fair Political Practices Commission on June 6, 2016; and

WHEREAS, subsequent changed circumstances within WRCRWA have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update WRCRWA'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 WRCRWA 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 Board of Directors of, the proposed amended Code was provided each affected designated position and publicly posted for review; and

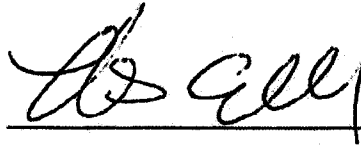
WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on January 25, 2018, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Western Riverside County Regional Wastewater Authority that the Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Executive Assistant and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said amended Code shall be submitted to the Board of Supervisors of Riverside County for approval and said Code shall become effective immediately upon approval of the Code as submitted.

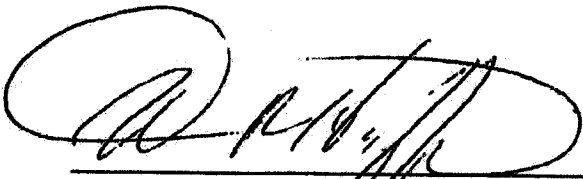
APPROVED AND ADOPTED this 25th day of January, 2018.

WESTERN RIVERSIDE COUNTY
REGIONAL WASTEWATER AUTHORITY



TOM MOODY, Chair

ATTEST:



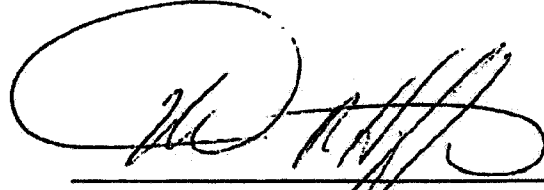
TED HOFFMAN, Secretary-Treasurer

R 18-001

-3-

January 25, 2018

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 18-001 adopted by the Board of Directors of Western Riverside County Regional Wastewater Authority at a duly-noticed regular meeting held on January 25, 2018.



TED HOFFMAN, Secretary-Treasurer