

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



**ITEM
2.9
(ID # 8653)**

MEETING DATE:

Tuesday, January 8, 2019

FROM : COUNTY COUNSEL:

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

RECOMMENDED MOTION: That the Board of Supervisors:


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

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: January 8, 2019
xc: Co.Co., Agency, COBcm

Kecia Harper
Clerk of the Board
By: 
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: Approve

BACKGROUND:

Summary

The Political Reform Act prohibits a public official from using his or her position to influence a government decision in which he or she has a financial interest. Government Code section 87300 requires local government agencies to adopt and promulgate a Conflict of Interest Code identifying officials and employees required to file statements of economic interest based on the positions they hold. A local government agency, as defined by Government Code section 82041, includes the Desert Water Agency.

Each even-numbered year, Government Code section 87306.5 requires local government agencies to review their Conflict of Interest Code, make appropriate revisions, if necessary, and submit an amended Conflict of Interest Code to the code reviewing body. 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.

The Board of Directors of the Desert Water Agency recently adopted Resolution No. 1193 amending its Conflict of Interest Code on November 6, 2018 to include new positions, revise disclosure categories, revise titles of existing positions, and delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions. The Desert Water Agency has submitted its amended Conflict of Interest Code for approval by the Board of Supervisors as the code reviewing body.

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

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Desert Water Agency, and direct the Clerk of the Board to notify the Desert Water Agency of the action taken.

ATTACHMENTS:

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

Attachment A: RESOLUTION NO. 1193

Attachment B: CONFLICT OF INTEREST CODE OF THE DESERT WATER AGENCY


Melissa Noone, Associate Management Analyst

1/2/2019


Gregory V. Priaplos, Director County Counsel

12/11/2018



MEMORANDUM

RIVERSIDE COUNTY COUNSEL

CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

DATE: December 11, 2018
TO: Kecia Harper-Ihem, Clerk of the Board
FROM: Danielle D. Maland, Deputy County Counsel
RE: Conflict of Interest Code for January 8, 2019 Board Agenda
MT #8653

Enclosed please find the following document (s) for an item to be set on the January 8, 2019 Board Agenda for the County Counsel:

MinuteTraq Item #8653– Form 11 (for reference)

Conflict of Interest Code of the Desert Water Agency.

DDM:rm
Attachment

2.9

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MINUTES OF THE BOARD OF SUPERVISORS

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

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COST	N/A	N/A	N/A	N/A
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SOURCE OF FUNDS: N/A			Budget Adjustment: N/A	
			For Fiscal Year: N/A	

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

BACKGROUND:

Summary

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

Attachment A: **RESOLUTION NO. 1193**

Attachment B: **CONFLICT OF INTEREST CODE OF THE DESERT WATER AGENCY**

RESOLUTION NO. 1193

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
DESERT WATER AGENCY ADOPTING AN AMENDED
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 Desert Water Agency (the "Agency") 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 amended on September 18, 2012, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the Agency have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Agency'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 the Agency 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 employee and publicly posted for review at the offices of the Agency; and

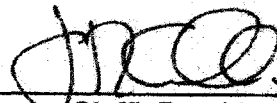
WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on November 6, 2018, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Desert Water Agency as follows:

Section 1. 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 Secretary and available to the public for inspection and copying during regular business hours;

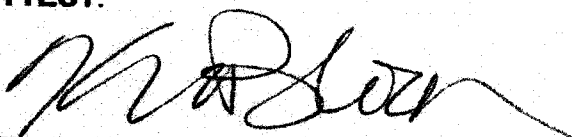
Section 2. The said amended Code shall be submitted to the Board of Supervisors of the County of Riverside for approval and said Code shall become effective at the time which the Board of Supervisors approves the proposed amended Code as submitted.

APPROVED AND ADOPTED this 6th day of November, 2018.



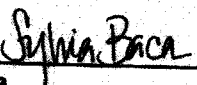
James Cioffi, President
Board of Directors

ATTEST:



Kristin Bloomer, Secretary-Treasurer
Board of Directors

I, Sylvia Baca, duly appointed Assistant Secretary of the Board of Directors of Desert Water Agency, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 1193 duly adopted by the Board of Directors of Desert Water Agency at the regular meeting of said Board held on November 6, 2018.



Sylvia Baca
Assistant Secretary of the Board of Directors

DESERT WATER AGENCY
CONFLICT OF INTEREST CODE

(Amended November 6, 2018)

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.)

FORM APPROVED COUNTY COUNSEL
BY: *Danielle D. Maland* 12/11/18
DANIELLE D. MALAND DATE

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

DESERT WATER AGENCY

(Amended November 6, 2018)

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 investments¹:

Board of Directors
Finance Director
General Manager
Investment Consultants

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

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
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

**LAW OFFICES OF
BEST BEST & KRIEGER LLP**

**DESIGNATED POSITIONS'
TITLE OR FUNCTION**

**DISCLOSURE CATEGORIES
ASSIGNED**

Operations Technician Foreman	5
Outreach & Conservation Associate	5, 6
Outreach & Conservation Manager	5, 6
Outreach Specialist I	5, 6
Senior Account Clerk (Purchasing)	4
Water Operations Supervisor	5

Consultants and New Positions²

² 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.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, or income from a nonprofit or other organization, if the source is of the type to receive grants or other monies from or through the Agency or its subdivisions.

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)

DESERT WATER AGENCY
CONFLICT OF INTEREST CODE

(Amended ~~September 18, 2012~~ November 6, 2018)

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(Amended ~~September 18, 2012~~ November 6, 2018)¹

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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.~~

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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

DESIGNATED POSITIONS'
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Outreach & Conservation Associate	<u>5, 6</u>
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<u>Outreach Specialist I</u>	<u>5, 6</u>
<u>Senior Account Clerk (Purchasing Agent)</u>	4
Water Operations Supervisor	5

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