

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



ITEM: 2.12
(ID # 12932)

MEETING DATE:
Tuesday, August 04, 2020

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amended Conflict of Interest Code of the Idyllwild Water District. [District 3] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:


1. Approve the Amended Conflict of Interest Code of the Idyllwild Water District; and
2. Direct the Clerk of the Board to notify the Idyllwild Water District of the action taken.

ACTION:Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Spiegel 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: August 4, 2020
xc: CoCo

Kecia R. 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:	No
			For Fiscal Year:	N/A

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

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 Idyllwild Water District.

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 Idyllwild Water District recently adopted Resolution No. 776 amending its Conflict of Interest Code on May 20, 2020 to update its filing procedures. The Idyllwild Water District 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 Idyllwild Water District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Idyllwild Water District is attached.

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

ATTACHMENTS

ATTACHMENT A: RESOLUTION NO. 776

ATTACHMENT B: CONFLICT OF INTEREST CODE OF THE IDYLLWILD WATER DISTRICT

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



Gregory E. Priamos, Director County Counsel 7/23/2020



RESOLUTION NO. 776

RESOLUTION OF THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT

ADOPTING A CONFLICT OF INTEREST CODE WHICH SUPERSEDES ALL PRIOR CONFLICT OF INTEREST CODES AND AMENDMENTS PREVIOUSLY ADOPTED

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000 et. seq. ("the Act"), requires a local government agency to adopt a Conflict of Interest Code pursuant to the Act; and

WHEREAS, the Idyllwild Water District has previously adopted a Conflict of Interest Code and that Code now requires updating; and

WHEREAS, amendments to the Act have in the past and foreseeably will in the future require conforming amendments to be made to the Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, Section 18730, which contains terms for a standard model Conflict of Interest Code, which, together with amendments thereto, may be adopted by public agencies and incorporated by reference to save public agencies time and money by minimizing the actions required of such agencies to keep their codes in conformity with the Political Reform Act;

NOW, THEREFORE, the Board of Directors of the Idyllwild Water District does hereby resolve as follows:

Section 1: The terms of Title 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 and, together with Exhibit A, the Conflict Code and Appendices in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Idyllwild Water District.

Section 2. The provisions of all Conflict of Interest Codes and Amendments thereto previously adopted by the Idyllwild Water District and hereby superseded.

Section 3. The Filing Officer is hereby authorized to forward a copy of this Resolution to the Clerk of the Riverside County Board of Supervisors for review and approval by the Riverside County Board of Supervisors as required by California Government Code Section 87303.

PASSED, APPROVED, AND ADOPTED this 20th day of May, 2020.

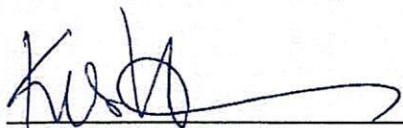

Charles Schelly, Board President

ATTEST:

State of California
County of Riverside

I, Kris Kirschbaum, Board Secretary of Idyllwild Water District, California, do hereby certify that the Board of Directors approved Resolution No. 776 at its regular meeting held on the 20th day of May, 2020, and duly approved and adopted said resolution at its regular meeting held on the 20th day of May, 2020, by the following roll call vote:

Name of Director	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Pres. Charles Schelly	X				
V.P. Peter Szabadi	X				
Director Les Gin	X				
Director Steve Kunkle	X				
Director David Hunt	X				


Kris Kirschbaum, Board Secretary

5/27/2020
Date



RESOLUTION 776: ATTACHMENT A - CONFLICT OF INTEREST CODE AND APPENDICES

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 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 Regulation 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 Idyllwild Water District (the "District").

All officials and designated positions required to submit a statement of economic interests shall file their original statements with the District Secretary as the District's Filing Officer and send a copy to the General Manager. In the absence of the District Secretary, the General Manager shall act as the District's filing officer. The District Secretary shall make and retain a copy of all statements filed by Members of the Board of Directors and the General Manager, and, upon request, forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The District 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*
DANIELLE D. MALAND

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

IDYLLWILD WATER DISTRICT

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District'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

General Manager

Chief Financial Officer/Treasurer

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 Section 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>
General Counsel	1, 2
Water Department Chief Operator	5
Sewer Department Chief Operator	5
Consultant and New Positions ²	

-
2. Individuals serving as a consultant as defined in FPPC Reg 18701 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 set forth 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 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 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 Such economic interests 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 District.

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 District.

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 District.

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 District.

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 District.

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.



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