

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



**ITEM: 2.9
(ID # 13719)**

MEETING DATE:
Tuesday, December 08, 2020

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amended Conflict of Interest Code of the Rancho California Water District, District 1 and 3. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

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

ACTION:Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez 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: December 8, 2020
xc: Co.Co., District, COBcm

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 Rancho California 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 Rancho California Water District recently adopted Resolution No. 2020-10-3 amending its Conflict of Interest Code on October 8, 2020 to include new positions, revise titles of existing positions and clarify requirements for real property disclosure. The Rancho California 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 Rancho California Water District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Rancho California Water District is attached.

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

ATTACHMENTS

ATTACHMENT A: RESOLUTION NO. 2020-10-3

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

ATTACHMENT B: CONFLICT OF INTEREST CODE FOR THE RANCHO CALIFORNIA
WATER DISTRICT



Gregory L. Priamos, Director County Counsel 11/24/2020

RESOLUTION NO. 2020-10-3

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
RANCHO CALIFORNIA WATER DISTRICT, RIVERSIDE
COUNTY, CALIFORNIA AMENDING THE CONFLICT OF
INTEREST CODE PURSUANT TO THE POLITICAL
REFORM ACT OF 1974 (AMENDING RESOLUTION NO.
2018-12-1)**

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 Rancho California Water District (the "District") 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 December 13, 2018, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the District'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 District 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 District; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on October 8, 2020, 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 Rancho California Water District 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 District Secretary and available to the public for inspection and copying during regular business hours; and

BE IT FURTHER RESOLVED that 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 immediately after the Board of Supervisors approves the proposed amended Code as submitted.

ADOPTED, SIGNED AND APPROVED this 8th day of October 2020.



William J. Wilson, President of the
Board of Directors of the
Rancho California Water District

ATTEST:

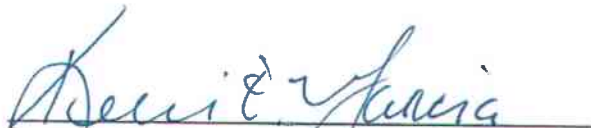


Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

STATE OF CALIFORNIA)
)ss.
COUNTY OF RIVERSIDE)

I, KELLI E. GARCIA, Secretary of the Board of Directors of Rancho California Water District, do hereby certify that the foregoing Resolution No. 2020-10-3 was duly adopted by the Board of Directors of said District at a regular meeting thereof held on the 8th day of October 2020, and that it was so adopted by the following vote:

AYES:	DIRECTORS:	Brady, Garcia, Kuebler, Plummer, Rossi, and Wilson
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None

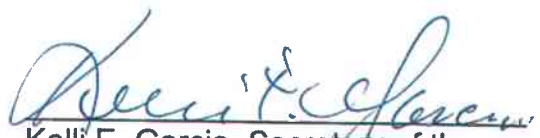

Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

(SEAL)

STATE OF CALIFORNIA)
)ss.
COUNTY OF RIVERSIDE)

I, KELLI E. GARCIA, Secretary of the Board of Directors of the Rancho California Water District, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 2020-10-3 of said Board, and that the same has not been amended or repealed.

DATED: October 8, 2020


Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

(SEAL)

CONFLICT OF INTEREST CODE FOR THE
RANCHO CALIFORNIA WATER DISTRICT

(Amended October 8, 2020)

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 Rancho California Water District (the "District").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **District Secretary** 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 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

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

RANCHO CALIFORNIA WATER DISTRICT

(Amended October 8, 2020)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, 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

Assistant General Manager – Chief Financial Officer/Treasurer

Investment Consultant

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 Manager	2, 4
Administrative Assistant, Senior – Board Administration	5
Administrative Assistant, Senior – Finance	5
Administrative Assistant, Senior-Engineering	2, 3, 5
Administrative Services Supervisor	4
Assistant General Manager – Engineering & Operations	1, 2
Associate Engineer	2, 3, 5
Budget Debt Administrator	1, 2
Conservation and Water Budget Analyst	2, 3, 5
Construction Contracts Manager	2, 3, 5
Cross Connection Control Technician – II/Specialist	2, 3, 5
Customer & Support Services Manager	5
Datacenter Operations Supervisor	5
Director of Administration	5
Director of Human Resources	5
District Secretary	4
Electrical Services Supervisor	5
Engineering Manager – CIP & Development	2, 3, 5
Engineering Services Supervisor	5
ERP Business Analyst	5
Field Services Manager	5

LAW OFFICES OF
BEST BEST & KRIEGER

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Field Services Supervisor – Construction	5
Field Services Supervisor – Facilities	5
Fleet Services Supervisor	5
General Counsel	1, 2
GIS Coordinator	5
Governmental Affairs Manager	1
Human Resources Analyst	5
Management Analyst	4
Operations Analyst	2, 3, 5
Operations & Maintenance Planner/Scheduler	5
Operations Systems Administrator	1, 2
Principal Engineer	2, 3, 5
Procurement & Contracts Administrator	4
Public Information Officer	4
Purchasing Agent (ALL)	4
Safety/Risk Officer	5
Utility Analyst	5
Wastewater Collections System Coordinator	5
Wastewater Maintenance Supervisor	5
Water Operations Manager	5
Water Quality Supervisor	5
Water Reclamation Manager	5

LAW OFFICES OF
BEST BEST & KRIEGER

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Water Resources Manager	2, 3, 5
Water Use Efficiency & Grants Manager	1, 2
Water System Supervisor	5
Water Systems Analyst	5

Consultant and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg 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 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 "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 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, including any leasehold, beneficial or ownership interest or option to acquire property.

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.

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)

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE FOR THE
RANCHO CALIFORNIA WATER DISTRICT

(Amended ~~December 13, 2018~~ October 8, 2020)

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OF THE

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Associate Engineer	2, 3, 5
Budget Debt Administrator	1, 2
Conservation and Water Budget Analyst	2, 3, 5
Construction Contracts Manager	2, 3, 5
Cross Connection Control Technician – II/Specialist	2, 3, 5
Customer <u>& Support Services Supervisor</u> Manager	5
Datacenter Operations Supervisor	5
Director of Administration	5
Director of Human Resources	5
District Secretary	4
Electrical Services Supervisor	5
Engineering Manager – CIP & Development	2, 3, 5
Engineering Services Supervisor	5
ERP Business Analyst	5
Field Services Manager	5

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Field Services Supervisor – Construction	5
Field Services Supervisor – Facilities	5
Fleet Services Supervisor	5
General Counsel	1, 2
GIS Coordinator	5
Human Resources Analyst	5
<u>Management Analyst</u>	<u>4</u>
Operations Analyst	2, 3, 5
<u>Operations & Maintenance Planner/Scheduler</u>	<u>5</u>
Operations Systems Administrator	1, 2
Principal Engineer	2, 3, 5
Procurement & Contracts Administrator	4
<u>Public-Governmental</u> Affairs Manager	1
Public Information Officer	4
Purchasing Agent (ALL)	4
Safety/Risk Officer	5
Utility Analyst	5
Wastewater Collections System Coordinator	5
Wastewater Maintenance Supervisor	5
Water Operations Manager	5
Water Quality Supervisor	5
Water Reclamation Manager	5

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Water Resources Manager	2, 3, 5
Water Resources Planner <u>Use Efficiency & Grants Manager</u>	1, 2
Water System Supervisor	5
Water Systems Analyst	5

Consultant and New Positions²

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Individuals serving as a consultant as defined in FPPC Reg 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 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.)

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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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