

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



**ITEM: 2.8
(ID # 14082)**

MEETING DATE:
Tuesday, January 12, 2021

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amended Conflict of Interest Code of the Western Riverside County Regional Wastewater Authority, District 1, 2, 3 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

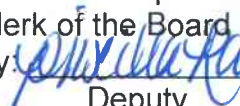
1. Approve the Amended Conflict of Interest Code of the Western Riverside County Regional Wastewater Authority; and
2. Direct the Clerk of the Board to notify the Western Riverside County Regional Wastewater Authority of the action taken.

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, 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 12, 2021
xc: CoCo; COB

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 Western Riverside County Regional Wastewater Authority.

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 Western Riverside County Regional Wastewater Authority recently adopted Resolution 20-002 amending its Conflict of Interest Code on September 24, 2020 to include new positions and revise disclosure categories. The Western Riverside County Regional Wastewater Authority 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 Western Riverside County Regional Wastewater Authority 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 is attached.

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

ATTACHMENTS

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

ATTACHMENT A: RESOLUTION 20-002

ATTACHMENT B: CONFLICT OF INTEREST CODE OF THE WESTERN RIVERSIDE
COUNTY REGIONAL WASTEWATER AUTHORITY



Gregory V. Priapros, Director County Counsel 12/24/2020

RESOLUTION 20-002

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 amended by the Board on February 28, 2019; 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 September 24, 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 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 24th day of September, 2020.



JANE ANDERSON
Chair

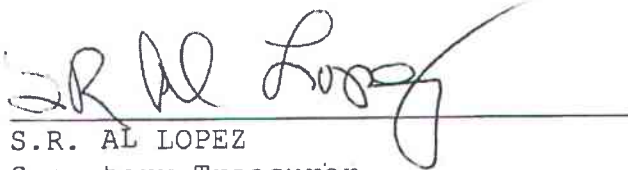
ATTEST:



S.R. AL LOPEZ
Secretary-Treasurer

September 24, 2020

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution 20-002 adopted by the Board of Directors of Western Riverside County Regional Wastewater Authority at a duly-noticed regular meeting held on September 24, 2020.



S.R. AL LOPEZ
Secretary-Treasurer

LAW OFFICES OF
BEST BEST & KRIEGER LLP

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

FORM APPROVED COUNTY COUNSEL
BY: 
DANIELLE D. MALAND

CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL WASTEWATER AUTHORITY
(Amended September 24, 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 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.

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

DESIGNATED POSITIONS

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Accounting Supervisor	4
Administrative Services Manager	4
Application Specialist (ALL)	5
Civil Engineer (ALL)	2, 3, 5
Construction Management Manager	2, 3, 5
Controller	4
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
Director of Strategic Communications	5
Director of Water Resources	2, 3, 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 Field Manager	5
Principal Engineer	2, 3, 5
Program Specialist	5
Purchasing Specialist	4
Safety Officer	4
Source Control Program Manager	2, 3, 5, 6
Source Program Specialist	6
Strategic Communications Supervisor	5

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

**DESIGNATED POSITIONS'
TITLE OR FUNCTION**

**DISCLOSURE CATEGORIES
ASSIGNED**

**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, 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 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

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)

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

against WRCRWA during the previous two years, or have a claim pending against WRCRWA.

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.

LAW OFFICES OF
BEST BEST & KRIEGER LLP

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE

OF THE

WESTERN RIVERSIDE COUNTY

REGIONAL WASTEWATER AUTHORITY

CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
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(Amended February 28, 2019September 24, 2020)

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Civil Engineer (ALL)	2, 3, 5
Construction Management Manager	2, 3, 5
Controller	4
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
Director of Strategic Communications	5
Director of Water Resources	2, 3, 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 Field Manager	5
Principal Engineer	2, 3, 5
Program Specialist	5
Purchasing Specialist	4
Safety Officer	4

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Source Control Program Manager	2, 3, 5, 6
Source Program Specialist	6
<u>Strategic Communications Supervisor</u>	<u>5</u>

MEMBERS OF BOARDS,
COMMITTEES AND COMMISSIONS

Executive Committee	1, 2
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