

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



ITEM: 2.12
(ID # 20378)

MEETING DATE:

Tuesday, November 29, 2022

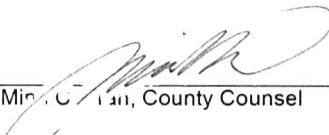
FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amendment to the 2022 Lake Hemet Municipal Water District Conflict of Interest Code [District 3] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Amendment to the Conflict of Interest Code of the Lake Hemet Municipal Water District; and
2. Direct the Clerk of the Board to notify the Lake Hemet Municipal Water District of the action taken.

ACTION:

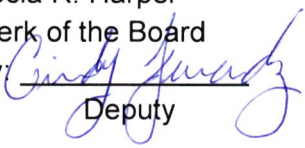

Min C. Chan, County Counsel 11/21/2022

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Hewitt, and Perez
Nays: None
Absent: None
Date: November 29, 2022
xc: Co.Co., COBAB/LW, Lake Hemet Municipal Water District

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:	N/A
			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 Lake Hemet Municipal 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 Lake Hemet Municipal Water District recently amended its Conflict of Interest Code on July 21, 2022 to increase gift limits. The Board of Directors for Lake Hemet Municipal Water District has adopted Resolution No. 811, amending its Conflict of Interest Code. The Lake Hemet Municipal 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 Lake Hemet Municipal Water District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Lake Hemet Municipal Water District is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Lake Hemet Municipal Water District and direct the Clerk of the Board to notify the Lake Hemet Municipal Water District of the action taken.

Impact on Residents and Businesses

N/A

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

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Attachment A: Resolution No. 811

Attachment B: Conflict of Interest Code


Stacy Orton 11/21/2022

LAKE HEMET MUNICIPAL WATER DISTRICT

RESOLUTION NO. 811

**ADOPTING A CONFLICT OF INTEREST CODE
AND AMENDED APPENDIX PURSUANT TO THE
POLITICAL REFORM ACT OF 1974**

The Board of Directors of Lake Hemet Municipal Water District (hereinafter referred to as “the Board”) does resolve as follows:

WHEREAS, the Legislature of the State of California enacted the Political Reform Act of 1974, government Code Section 81000 et seq. (the “Act”), which contains provisions relating to the conflict of interest which potentially affect all officers, employees and consultants of the Lake Hemet Municipal 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 Conflict of Interest Code (the “Code”) which was amended on July 16, 2020, 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 Appendix of the District’s Code; and

WHEREAS, changes to the Code provisions, definitions and Appendix were required; 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 and Appendix was provided to 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 and Appendix


at a regular meeting of the Board of Directors on July 21, 2021, at which all present were given the opportunity to be heard on the proposed amendment to the Code, definitions and Appendix.

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of the Lake Hemet Municipal Water District does hereby adopt the Conflict of Interest Code, definitions and Appendix with all changes to the provisions of the Political Reform Act of 1974 and the FPPC Regulations effective through June 30, 2022 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; and

BE IT FURTHER RESOLVED, that said amended Code, definitions and Appendix shall be submitted to the Board of Supervisors of the County of Riverside for approval and said amended Code, definitions and Appendix shall become effective 30 days after the Board of Supervisors approves the amendment as submitted.

ADOPTED this 21st day of July, 2022.


Steven A. Pastor
Vice-President of the Board of Directors

ATTEST: 
Frank D. Marshall, III
Secretary of the Board of Directors

CERTIFICATION

I, Kathleen Billinger, Assistant Secretary/Treasurer of the Board of Directors of Lake Hemet Municipal Water District, do hereby certify that the foregoing Resolution No. 811 was adopted by the Board of Directors at their Regularly Scheduled Board Meeting held on the 21st of July, by the following roll call vote:

AYES: Foutz, Jorgensen, Marshall, Pastor
NOES: None
ABSENT: Minor
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Lake Hemet Municipal Water District this 21st day of July, 2022.



Kathleen Billinger
Assistant Secretary of the Board of Directors

(Seal)





**Lake Hemet
Municipal Water
District**

**Conflict
of
Interest Code**

(Updated July 21, 2022)

CONFLICT OF INTEREST CODE

OF THE

LAKE HEMET MUNICIPAL

WATER DISTRICT

[All amendments or changes to the provisions of the Political Reform Act of 1974 and the FPPC Regulations effective through _____, 2022 have been incorporated into this Code and its Addendum.]

TABLE OF CONTENTS

	<u>PAGE</u>
Section A. PURPOSE:	1
1. Statement of Purpose	1
Section B. DEFINITION OF TERMS:	2
1. Definitions:	2
Section C. DISCLOSURE STATEMENTS:	2
1. Designated Employees	2
2. Disclosure Requirements	3
3. Statements of Economic Interests: Time for Filing; Contents Thereof.....	3
4. Statements for Persons Who Resign Prior to Assuming Office	5
5. Place of Filing Statements	5
6. Forms for Statements	6
Section D. MANNER OF REPORTING:	6
1. Contents of Reports of Investments and Interests in Real Property	6
2. Contents of Reports of Personal Income	7
3. Contents of Reports of Business Entity Income	8
4. Contents of Reports of Business Position Disclosure	9
5. Acquisition or Disposal During Reporting Period	9
Section E. HONORARIA AND GIFTS:	9
1. Prohibition on Receipt of Honoraria	9
2. Prohibition on Receipt of Gifts	10
Section F. LOANS:	10
1. Loans to Public Officials	10
2. Loan Terms	11
3. Personal Loans	12

TABLE OF CONTENTS

	<u>PAGE</u>
Section G. DISQUALIFICATION :	14
1. Disqualification Requirements	14
2. Disclosure of Disqualifying Interest	15
3. Rights as Citizen	15
4. Legally Required Participation	16
Section H. OPINIONS OF THE COMMISSION AND COUNSEL:	16
1. Request for Opinion and Reliance	16
2. Evidence of Good Faith	17
Section I. LEGISLATIVE OR JUDICIAL AMENDMENTS:	17
1. Automatic Amendment of Code	17
Section J. FORCE AND EFFECT OF CODE:	17
1. Violations	17
Section K. STATUTE OF LIMITATIONS:	18
1. Civil Actions	18
2. Criminal Actions	18
3. Administrative Proceedings	18
APPENDIX	19
EXHIBIT A "Officials Who Manage Public Investments"	19
EXHIBIT A "Designated Positions"	20
EXHIBIT B "Disclosure Categories"	21
DEFINITIONS:	A-1
1. "Other Public Officials Who Manage Public Investments"	A-1
2. "Designated Employee"	A-2

3.	"Public Official"	A-3
4.	"Making Governmental Decision"	A-5
5.	"Participating in the Making of Governmental Decisions"	A-5
6.	"Using or Attempting to Use Official Position to Influence"	A-7
7.	"Public Identification of a Conflict of Interest for Section 87200 Filers" ..	A-8
8.	"Financial Interest in Decision"	A-11
9.	"Investment"	A-12
10.	"Doing Business in the Jurisdiction"	A-13
11.	"Interest in Real Property"	A-14
12.	"Real Property Within the Jurisdiction"	A-14
13.	"Income"	A-14
14.	"Salary and Reimbursement for Expenses or Per Diem Received"	A-17
15.	"Gift"	A-17
16.	"Honorarium"	A-31
17.	"Financial Interest"	A-32
18.	"Materiality Standards"	A-34
19.	"Public Generally"	A-35
20.	"Determining Whether a Financial Effect is Reasonably Foreseeable" ..	A-35
21.	"Business Entity"	A-38
22.	"Immediate Family"	A-38
23.	"Spouse"	A-38
24.	"District"	A-38
25.	"Board"	A-38
26.	"Filing Officer"	A-38
27.	"Act"	A-39
28.	"FPPC"	A-39
29.	"Code Reviewing Body"	A-39

CONFLICT OF INTEREST CODE
OF THE
LAKE HEMET MUNICIPAL WATER DISTRICT

(Updated through July 21, 2022)

Section A. PURPOSE:

1. **Statement of Purpose.** It is the purpose of this Code to provide for the disclosure of Designated Employees' assets and income which may be materially affected by their official actions and, in appropriate circumstances, to provide that Designated Employees should be disqualified from acting in order that conflicts of interest may be avoided. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Sections 81000 et seq.). The requirements of this Code are in addition to other requirements of the Political Reform Act and to other state or local laws pertaining to conflicts of interest. [Gov. Code § 81002(c); 2 Cal. Code of Regs. § 18730(a)]

Section B. DEFINITION OF TERMS:

1. **Definitions.** This Code contains a number of key terms, such as "Designated Employee," "interests in real property within jurisdiction," "investments in business entities," "income," and decisions "made" or "participated in" by a Designated Employee, which are defined in the Political Reform Act of 1974 and the regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100 et seq.). These definitions and regulations, and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code. [2 Cal. Code of Regs §18730(b)(1)]

Summaries of certain definitions are contained in the attached Addendum which is provided for convenience of reference only and is not a part of this Code. The definitions of key terms contained in the Act or the regulations are amended and changed from time to time. The summaries of definitions contained in the Addendum will be updated accordingly on a periodic basis.

Section C. DISCLOSURE STATEMENTS:

1. **Designated Employees.** The persons holding positions listed in Exhibit "A" of the Appendix of this Code are "Designated Employees." It has been determined that these officers and employees make or participate in the making of decisions which may foreseeably have a material effect on economic or financial interests. [Gov. Code §§87302(a), 82019(a)(3); 2 Cal. Code of Regs §18730(b)(2)]

2. **Disclosure Requirements.** Each Designated Employee shall file statements, at times and under circumstances described in this Section disclosing reportable investments , business positions, interests in real property, and income, which might foreseeably be affected materially by the operations of the District. The information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the information required by 2 Cal Code of Regs § 87206 and § 87207. The disclosure categories set forth in Exhibit "B" of the Appendix specify which kinds of economic interests are reportable. It has been determined that the types of investments, interests in real property, business positions, income, and sources of income assigned to each Designated Employee in Exhibit "A" of the Appendix are the type that may be affected materially by decisions made or participated in by the Designated Employee by virtue of that person's position and are reportable.

This Code does not establish any disclosure obligation for those Designated Employees who are also specified in Government Code section 87200. [Gov. Code §§87302(a), 87302(b); 2 Cal. Code of Regs. §18730(b)(3)]

3. **Statements of Economic Interests: Time for Filing; Contents Thereof.**

(a) **Initial Statements.** All Designated Employees employed on the effective date of this Code, as originally adopted, promulgated and approved by the code-reviewing body, shall file statements within **30 days** after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within **30 days** after the effective date of the amendment. Initial statements shall disclose

any reportable investments, interests in real property, and business positions held on the effective date of this Code, and income, including gifts and loans, received during the 12 months prior to the effective date of this Code.

(b) Assuming Office Statements. All persons who are elected, appointed, promoted or transferred to a designated position after the effective date of this Code shall file statements within **30 days** after assuming the designated position, disclosing any reportable investments, interests in real property, and business positions held on the date of assuming office, and income, including gifts and loans, received during the 12 months prior to the date of assuming office.

(c) Annual Statements. Annual statements shall be filed by all Designated Employees on or before **April 1** of each year, disclosing any reportable investments, interests in real property, business positions and income held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office, whichever is later.

(d) Leaving Office Statements. Every Designated Employee who leaves office and does not assume another designated position for the District shall file a statement within **30 days** after leaving office, disclosing any reportable investments, interests in real property, business positions and income held or received during the period between the closing date of the last statement filed and the date of leaving office. [Gov. Code §87302(b); 2 Cal. Code of Regs. §§18730(b)(5), 18730(b)(6)]

4. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of the notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided that particular person did not make or participate in the making of, or use of that person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of that person's appointment. Such persons shall not file either an assuming or leaving office statement.

(a) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation that person did not make, participate in the making or use the position to influence any decision of the District, or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. [Gov. Code §87302(d); 2 Cal. Code of Regs. §18730(b) (5.5)]

5. Place of Filing Statements. All Officials and Designated Employees required to submit a statement of economic interests shall file the original with the District's filing officer. The filing officer shall make and retain a copy of all statements filed by officials who manage public investments, and forward the originals of such statements to the Clerk of the Board of Supervisors. The filing officer shall retain the originals of the

statements of all other Designated Employees. [Gov. Code §87500(l); 2 Cal. Code of Regs §§18730(b)(4), 18115, 18753]

6. **Forms for Statements.** With respect to reports and statements for disclosing economic interests , the filing officer shall use forms prescribed by the Fair Political Practices Commission and supplied by the District's filing officer. [Gov. Code §81010(a); 2 Cal. Code of Regs. §§18730(b)(7), 18115 (b)(2)]

Section D. MANNER OF REPORTING:

1. **Contents of Reports of Investments and Interests in Real Property.** Investments and interests in real property which have a fair market value of less than two thousand dollars (\$2,000) are not investments and interests in real property within the meaning of the Political Reform Act.

Investments or interests in real property of an individual include those held by the individual's spouse, including registered domestic partner¹ ("spouse"), and dependent children, as well as the pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10% greater.

When an investment or interest in real property² is required to be reported under this Code, the statement shall contain the following:

¹ The term "spouse" shall include domestic partners registered with the California Secretary of State's Office and recognized by California State Law. [2 Cal. Code of Regs §18229; Fam. Code §297]

² For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer. [Gov. Code §§87302(b), 87206(f); 2 Cal. Code of Regs. §18730(b)(7)(A), fn 3]

- (a) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- (b) The address or other precise location of the real property.
- (c) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000). [Gov. Code §§82033, 82034, 87206; 2 Cal. Code of Regs. §18730(b)(7)(A)]

2. **Contents of Reports of Personal Income.** Personal income of a Designated Employee includes that person's own income as well as that person's community property interest in the income of that person, but does not include salary or reimbursement for expenses received from a state, federal or local government agency.

When personal income is required to be reported under this Code, the statement shall contain:

- (a) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value per year, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- (b) A statement whether the aggregate value of the income from each source, or in the case of a loan, the highest amount owed to each source, was a least five hundred dollars (\$500), greater than one thousand dollars

(\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);

(c) A description of the consideration, if any, for which the income was received;

(d) In the case of a gift, the name address and business entity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received

(e) Income also includes an outstanding loan, and Income of an individual, which also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a 10-percent interest or greater. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

[Gov. Code §§82030, 87302(b),87207; 2 Cal. Code of Regs. §18730(b)(7)(B)]

3. **Contents of Reports of Business Entity Income.** Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10% or greater interest. The disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

When income of a business entity, including income of a sole proprietorship, is required to be reported under this Code, the statement shall contain:

(a) The name, address and a general description of the business activity of the business entity; and

(b) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year. [Gov. Code §§87302(b), 87207(b); 2 Cal. Code of Regs §18730(b)(7)(C)]

4. **Contents of Reports of Business Position Disclosure.** When business positions are required to be reported, a Designated Employee shall list the name and address of each business entity in which that employee is a director, officer, partner, trustee, employee, or in which that person holds any position of management, a description of the business activity in which the business entity is engaged, and the Designated Employee's position with the business entity. [Gov. Code §87302(b), 2 Cal. Code of Regs §18730(b)(7)(D)]

5. **Acquisition or Disposal During Reporting Period.** In the case of an annual statement or a leaving office statement, the statement shall include any investments or interests in real property that was partially or wholly acquired or disposed of at any time during the period covered by the statement, whether or not they are still held at the time of filing, and shall contain the date of acquisition or disposal. [Gov. Code §§87302(b), 87206; 2 Cal. Code of Regs §18730(b)(7)(E)]

Section E. HONORARIA AND GIFTS:

1. **Prohibition on Receipt of Honoraria.** No Designated Employee shall accept any honorarium from any source if that person would be required to report the receipt of income or gifts from that source on that person's statement of economic interests.

This Section does not limit or prohibit payments, advances, or reimbursements for travel, including actual transportation and related lodging and subsistence which is reasonably related to a legislative or governmental purpose as specified in Government Code section 89506. [Gov. Code §89501, 89502; 2 Cal. Code of Regs. §18730(b)(8)(A)]

2. **Prohibition on Receipt of Gifts.** No Designated Employee shall accept gifts with a total value of more than five hundred twenty dollars (\$520)³ in a calendar year from any single source, if that designated employee would be required to report the receipt of income or gifts from that source on that person's statement of economic interests.

This Section does not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence permitted by Government Code section 89506; or wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. [Gov. Code §89503, 2 Cal. Code of Regs. §18730(b) (8.1) (A)].

Section F. LOANS:

1. **Loans to Public Officials.**

(a) Except as set forth in Subsection (c), below, no elected officer of the District shall, from the date of that person's election to office, to the date that person vacates the office, receive a personal loan from any officer, employee, member

³ Beginning January 1, 1993, the FPPC shall adjust the gift limitation in this section on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ten (\$10.) [Gov. Code §89503(f)]

or consultant of the District or any agency over which the District has direction and control.

(b) No elected officer of the District shall, from the date of his or her election to office, to the date when said elected officer vacates the office, receive a personal loan from any person who has a contract with the District or any agency over which the District has direction and control.

This Section shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on the terms available to members to the public without regard to the public official's status.

(c) This Section shall not apply to the following:

(1) Loans made to the campaign committee of an elected officer or candidate for elective office.

(2) Loans made to the public official by that person's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this Section.

(3) Loans from a person, which in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

(4) Loans made, or offered in writing, before January 1, 1998.

2. Loan Terms.

(a) Except as set forth in Subsection (b), below, no elected officer shall, from the date of that person's election to office, to the date the elected officer vacates the office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(b) This Section shall not apply to the following types of loans:

(1) Loans made to the campaign committee of an elected officer.

(2) Loans made to the elected officer by that person's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this Section.

(3) Loans made, or offered in writing, before January 1, 1998.

(4) Nothing in this Section shall exempt any person from any other provision of this Code or the Act.

3. Personal Loans. Except as set forth in Subsection (c), below, a personal loan received by any Designated Employee shall become a gift to the Designated Employee for the purposes of this Code in the following circumstances:

(a) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

(b) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

(1) The date the loan was made.

(2) The date the last payment of one hundred dollars (\$100) or more was made on the loan.

(3) The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(c) This Section shall not apply in the following types of loans:

(1) A loan made to the campaign committee of an elected officer or a candidate for elective office.

(2) A loan that would otherwise not be a gift under the Act.

(3) A loan that would otherwise be a gift as set forth in this Section, but on which the creditor has taken reasonable action to collect the balance due.

(4) A loan that would otherwise be a gift as set forth in this Section, but on which the creditor, based on reasonable business

considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this subsection has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

(5) A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(6) Nothing in this Section shall exempt any person from any other provision of this Code or the Act; [2 Cal. Code of Regs. §§ 18730(b) (8.2-8.4)]

Section G. DISQUALIFICATION:

1. **Disqualification Requirements.** No Designated Employee shall make, participate in the making, or in any way attempt to use that person's official position to influence the making of any governmental decision which they know or have reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of that person's immediate family, or on:

(a) Any business entity in which the Designated Employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more:

(b) Any real property in which the Designated Employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating

five hundred dollars (\$500) or more in value provided to, received by, or promised to the Designated Employee within 12 months prior to the time when the decision is made;

(d) Any business entity in which the Designated Employee is a director, officer, partners, trustee, employee, or holds any position of management; or

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating five hundred twenty dollars (\$520) or more in value provided to, received by, or promised to the Designated Employee within 12 months prior to the time when the decision is made. [Gov. Code §87103, 87302(c); 2 Cal. Code of Regs §18730(b)(9)]

2. **Disclosure of Disqualifying Interest.** When a Designated Employee determines that person has a disqualifying interest in a decision, the determination not to act may be accompanied by disclosure of the disqualifying interest. [Gov. Code §87302(c); 2 Cal. Code of Regs. §18730(b) (10)]

Officials specified in Government Code section 87200, including officials who manage the investment of public funds, must identify conflicts of interests pursuant to 2 Cal. Code of Regs. Section 18702.5.

3. **Rights as Citizen.** Nothing contained herein shall abridge the right of any Designated Employee to contact the District to submit information or express views in the same manner as any other member of the general public before the District in its prescribed governmental function solely to represent themselves on a matter relating to

that person's personal interest. An Official's "personal interests" include, but are not limited to:

- (a) An interest in real property which is wholly owned by the official or members of that person's immediate family or a combination thereof;
- (b) A business entity wholly owned by the official or members of that person's immediate family or a combination thereof;
- (c) A business entity over which the official or members of that person's immediate family or a combination thereof exercises sole direction and control, or over which the official and that person's spouse solely or jointly exercise full direction and control.

Nothing contained herein shall be construed to abridge the right of any Designated Employee to communicate with the general public or with the media. [2 Cal. Code of Regs. §18704(d)]

4. Legally Required Participation. This Code does not prevent a Designated Employee from making or participating in the making of any governmental decision to the extent that that person's participation is legally required for the decision to be made. The fact that the vote of Designated Employee who is on a voting body is needed to break a tie does not make that person's participation legally required for the purposes of this Section. The Attorney for the District shall advise any Designated Employee on a case-by-case basis whether or not the "Rule of Necessity" is applicable. [Gov. Code §§87101, 87302(c); 2 Cal. Code of Regs. §18730(b)9.3)]

Section H. OPINIONS OF THE COMMISSION AND COUNSEL:

1. **Request for Opinion and Reliance.** Any Designated Employee who is unsure of any duty, right, or privilege of participation in any matter under this Code or under the provisions of the Political Reform Act of 1974 may request assistance from the Fair Political Practices Commission or an opinion from the Attorney for the District. Nothing in this Section shall require the Attorney for the District to issue any formal or informal opinion. [Gov. Code §83114; 2 Cal. Code of Regs. §18730(b)11]

2. **Evidence of Good Faith.** If an opinion is rendered by the Attorney for the District or the Fair Political Practices Commission stating in full the facts and law upon which the opinion is based, compliance therewith by the Designated Employee is evidence of good faith in any criminal proceeding and is a presumption affecting the burden of proof of any civil proceeding brought under the Act or this Code.

(a) Any person may request the District to issue an opinion with respect to that person's duties under this title. The District shall, within 14 days, either issue the opinion or advise the person who made the request whether an opinion will be issued. Any person who acts in good faith on an opinion issued to that person by the commission shall not be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. The commission's opinions shall be public records and may from time to time be published.

(b) Any person may request the commission to provide written advice with respect to the person's duties under this title. Such advice shall be provided within 21 working days of the request, provided that the time may be extended for good

cause. It shall be a complete defense in any enforcement proceeding initiated by the commission, and evidence of good faith conduct in any other civil or criminal proceeding, if the requester, at least 21 working days prior to the alleged violation, requested written advice from the commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice or because of the failure of the commission to provide advice within 21 days of the request or such later extended time.

Any person who violates a provision of Article 2 (commencing with Section 87200), 3 (commencing with Section 87300), or 4.5 (commencing with Section 87450) of Chapter 7 is subject to discipline by that person's agency, including dismissal, consistent with any applicable civil service or other personnel laws, regulations, and procedures.

The Designated Employee's good faith compliance with such opinion shall also constitute a complete defense to any disciplinary action brought by the District under Section 91003.5 of the Act or this Code. [Gov. Code §83114; 2 Cal. Code of Regs. §18320]

Section I. LEGISLATIVE OR JUDICIAL AMENDMENTS:

1. **Automatic Amendment of Code.** All amendments or changes to the provisions of the Political Reform Act of 1974, occurring as the result of legislative amendment or judicial decision only, shall automatically and immediately be incorporated into this Code and this Code shall, without further action, thereupon be deemed amended and changed to reflect such legislative or judicial amendment or decision.

Section J. FORCE AND EFFECT OF CODE:

1. **Violations.** This Code has the force and effect of law. Designated Employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided by the Political Reform Act of 1974, Government sections 81000 et seq.

Additionally, a decision in relation to which a violation of the disqualification provisions of this Code or Government Code section 87100 wherein a public official at any level of state or local government shall not make, participate in making, or in any way attempt to use the public official's official position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest in a decision that has occurred may be set aside as void pursuant to Government Code section 91003. [Gov. Code §87300; 2 Cal. Code of Regs §18730(b) (12)]

Section K. STATUTE OF LIMITATIONS:

1. **Civil Actions.** No civil action alleging a violation of any provision of this Code shall be filed more than four (4) years after the date the violation occurred.

2. **Criminal Actions.** Prosecution for violation of this Code must be commenced within four (4) years after the date on which the violation occurred.

3. **Administrative Proceedings.** An administrative action brought pursuant to Chapter 3 (commencing with Section 83100) alleging a violation of any of the provisions of this title shall not be commenced more than five years after the date on which the violation occurred.

(a) The service of the probable cause hearing notice, as required by Section 83115.5, upon the person alleged to have violated this title shall constitute the commencement of the administrative action.

(b) If the person alleged to have violated this title engages in the fraudulent concealment of the person's acts or identity, the five-year period shall be tolled for the period of the concealment. For purposes of this subdivision, "fraudulent concealment" means the person knows of material facts related to the person's duties under this title and knowingly conceals them in performing or omitting to perform those duties, for the purpose of defrauding the public of information to which it is entitled under this title.

(c) If, upon being ordered by a superior court to produce any documents sought by a subpoena in any administrative proceeding under Chapter 3 (commencing with Section 83100), the person alleged to have violated this title fails to produce documents in response to the order by the date ordered to comply therewith, the five-year period shall be tolled for the period of the delay from the date of filing of the motion to compel until the date the documents are produced.

. [Gov. Code §§91000, 91000.5, 91011]

DEFINITIONS

1. **"Other Public Officials Who Manage Public Investments"**:

(a) As used in the District's Conflict of Interest Code and the Act, this term means:

(1) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;

(2) High-level officers and employees of the District who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This definition shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and

(3) Individuals who, pursuant to a contract with the District, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in this definition.

(b) The following definitions shall apply to this Section:

(1) *"Public Investments"* means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.

(2) *"Public Moneys"* means all moneys belonging to, received by, or held by the District, or by an officer thereof acting in his or her official capacity, and includes the proceeds of all bonds and other evidence of indebtedness, trust funds held by public pension and retirement systems deferred compensation funds held for investment by

public agencies, and public moneys held by a financial institution under a trust indenture to which the District is a party.

(3) *"Management of public investments"* means the following non-ministerial functions:

- (A) Directing the investment of public moneys;
- (B) Formulating or approving investment policies;
- (C) Approving or establishing guidelines for asset allocations; or
- (D) Approving investment transactions.

(c) Those public officials coming within the definition contained in Subsection (a) above are subject to the conflict-of-interest disclosure requirements of Article 2, Chapter 7 of the Political Reform Act and must file a Statement of Economic Interests accordingly. [2 Cal. Code of Regs §18700.3]

2. **"Designated Employee"**: Any officer, employee, member or consultant of the District whose position is so designated in the Appendix of the District's Conflict of Interest Code. The Appendix sets forth those positions which entail the making or participation in the making of decisions which may foreseeably have a material effect on financial interests, but does not include any unsalaried member of any board or commission which serves a solely advisory function, or any public official specified in Government Code Section 87200. [Gov. Code §82019]

3. **"Public Official"**: Every member, officer, employee or consultant of the District. The term "public official" also includes individuals who perform the same or substantially the same duties as an individual holding an office or a position listed in

Government Code Section 87200 or the Conflict of Interest Code including ***“other public officials who manage public investments”*** as defined in Definition No. 1, above.

(a) ***“Member”*** shall include, but not be limited to, salaried or unsalaried members of committees, boards or commissions with decision-making authority. A committee, board, group or commission possesses decision-making authority whenever:

(1) It may make a final governmental decision;

(2) It may compel or prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto that may not be overridden; or

(3) It makes substantive recommendations that are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or the District.

(b) A committee, board, or commission does not possess decision making authority under subsection (a) if it is formed or engaged for the sole purpose of researching a topic and preparing a report or recommendation for submission to another public official or governmental agency that has final decision-making authority.

(c) ***“Consultant”*** means an individual who, pursuant to a contract with the District:

(1) **Makes a governmental decision** whether to:

(A) Approve a rate, rule, or regulation;

- (B) Adopt or enforce a law;
 - (C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - (D) Authorize the District to enter into, modify, or renew a contract provided it is the type of contract which requires District approval;
 - (E) Grant District approval to a contract which requires District approval and to which the District is a party or to the specifications for such a contract;
 - (F) Grant District approval to a plan, design, report, study, or similar item;
 - (G) Adopt, or grant District approval of, policies, standards, or guidelines for the District, or for any subdivision thereof; or
- (2) Serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in Definition 5, below, or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's Conflict of Interest Code. [Gov. Code §82048; 2 Cal. Code of Regs §18700 and 18700.3]

4. **"Making Governmental Decision"**: A public official *"makes a governmental decision,"* if the official authorizes or directs any action, votes, appoints any person, obligates or commits the District to any course of action, or enters into any contractual agreement on behalf of the District. [2 Cal. Code of Regs §18704(a)]

5. **“Participating in the Making of Governmental Decisions”:**

(a) A public official **“participates in the making of a governmental decision,”** if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review. [2 Cal. Code of Regs. §18704(b)]

(b) *“Making”* or *“participating in making”* a governmental decision shall not include:

(1) Actions of official which are solely ministerial, secretarial, or clerical;

(2) Appearances by a public official as a member of the general public before the District or an agency in the course of its prescribed governmental function if the official is appearing on matters solely to the official's personal interests, including interests in:

(A) An interest in real property which is wholly owned by the official, members of his or her immediate family, or the official and members of his or her immediate family;

(B) A business entity wholly owned by the official, members of his or her immediate family, or by the official and members of his or her immediate family; or

(C) A business entity over which the official, members of his or her immediate family, or the official and members of his or her immediate family solely or jointly exercise full direction and control.

(3) Actions by public officials relating to their compensation or the terms or conditions of their employment or consulting contract. However, an official may not make a decision to appoint, hire, fire, promote, demote, or suspend without pay or take disciplinary action with financial sanction against the official or his or her immediate family, or set a salary for the official or his or her immediate family different from salaries paid to other employees of the District in the same job classification or position.

(4) Public Speaking. Communications by a public official to the general public or media.

(5) Prepares drawings or submissions of an architectural, engineering, or similar nature prepared by a public official for a client to submit in a proceeding before the District. However, this provision applies only if the work is performed pursuant to the official's profession and official does not make any contact with the agency staff concerning the process or evaluation of the documents prepared by the official.

(6) Appears before a design or architectural review committee or similar body of which he or she is a member to present drawings or submissions of an architectural, engineering, or similar nature which the official has prepared for a client if the following three criteria are met:

(A) The review committee's sole function is to review architectural or engineering plans and to make recommendations to a planning commission or other agency;

(B) The review committee is required by law to include architects, engineers or persons in related professions, and the official was appointed to the body to fulfill this requirement; and

(C) The official is a sole practitioner. [2 Cal. Code of Regs §18704]

6. **“Using or Attempting to Use Official Position to Influence”:**

(a) A public official uses his or her official position to influence governmental decision if he or she:

(1) Contacts or appears before any official in the District or in an agency subject to the authority or budgetary control of the District for the purpose of affecting a decision; or

(2) Contacts or appears before any official in any other government agency for the purpose of affecting a decision, and the public official acts or purports to act within his or her authority on or behalf of the District in making the contact. [2 Cal. Code of Regs. §18704]

7. **“Public Identification of a Conflict of Interest for Section 87200 Filers”:**

(a) Government Code Section 87105 and 2 California Code of Regulations Section 18707 apply when a public official who holds an office specified in Government Code Section 87200 has a financial interest in a decision within the meaning of Government Code Section 87100, A public official at any level of state or local government shall not make, participate in making, or in any way attempt to use the public official's official position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest and the governmental decision

relates to an agenda item which is noticed for a meeting subject to the provisions of the Bagley-Keene Act (Gov. Code §11120 et. seq.) or the Brown Act (Gov. Code §54950 et seq.).

(b) **Content & Timing of Identification:** The public official, following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, must do all of the following:

(1) **The public official must publicly identify:**

(A) Each type of financial interest held by the public official which is involved in the decision and gives rise to the disqualifying conflict of interest (i.e., investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts); and

(B) The following details identifying the financial interest(s):

(i) if an investment, the name of the business entity in which each investment is held;

(ii) if a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity;

(iii) if real property, the address or other indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence;

(iv) if income or gifts, the identification of the source; and

(v) if personal financial effect, the identification of the expense, liability, asset or income affected.

(2) **Form of Identification:** If the governmental decision will be made during an open session of a public meeting, the public identification must be made orally and be made part of the official public record.

(3) **Recusal/Leaving the Room:** The public official must recuse themselves and leave the room after the identification is made. He or she shall not be counted toward achieving a quorum while the item is discussed.

(c) **Special Rules for Closed Session:** If the governmental decision is made during a closed session of a public meeting, the public identification must be made orally during the open session before the body goes into closed session and may be limited to a declaration that his or her recusal is because of a conflict of interest under Government Code Section 87100. The declaration will be made part of the official public record. The public official must not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the governmental decision.

(d) **Exceptions:**

(1) **Uncontested Matters:** The exception from leaving the room granted in Government Code Section 87105(a)(3) for a "matter [that] has been placed on the portion of the agenda reserved for uncontested matters" shall mean agenda items on the consent calendar. If the public official has a financial interest in a matter on the consent calendar, the public official must comply with subdivisions (a)(1)(A) and (a)(1)(B) of 2 California Code of Regulations Section 18707, and recuse themselves from discussing or voting on that matter, but the public official is not required to leave the room during the consent calendar.

(2) **Absence:** If the public official is absent when the agenda item subject to subdivision (a) of 2 California Code of Regulations Section 18707 is considered, there are no public identification duties on the public official for that item at that meeting.

(3) **Speaking as a Member of the Public Regarding an Applicable Personal Interest:** When a personal interest found in 2 Cal. Code of Regs. Section 18704(d)(2) is present, a public official may speak as a member of the general public if they comply with subdivisions(a)(1)(A) and (a)(1)(B) of 2 California Code of Regulations Section 18707, recuses themselves from voting on the matter and leaves the dais to speak from the same area as the members of the public. They may listen to the public discussion and deliberations of the matter with the members of the public. [2 Cal. Code Regs. §18707]

8. **"Financial Interest in Decision"**: An official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family, or on:

(a) Any **business entity** in which the public official has a direct or indirect investment worth \$2,000 or more;

(b) Any **real property** in which the public official has a direct or indirect interest worth \$2,000 or more;

(c) Any **source of income**, including commission income and incentive income, aggregating \$500 or more in value provided or promised to, and received by, the public official within 12 months prior to the time when the decision is made;

(d) Any **business entity** in which the official is a director, officer, partner, trustee, employee, or holds any position of management; or

(e) Any **donor** of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$520 or more provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. The amount of the value of gifts by this subdivision shall be adjusted biennially by the FPPC. [2 Cal. Code Regs. §18700]

(f) **"Indirect Investment or Interest"**: Any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse and dependent children own directly, indirectly or

beneficially, a 10% interest or greater. [Govt. Code §87103 and 2 Cal. Code Regs. §18700]

9. **“Investment”**: Any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the public official, or other filer, or their immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property within the jurisdiction, or does business or plans to do business within the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under the District’s Conflict of Interest Code. No asset shall be deemed an investment unless its fair market value equals or exceeds \$2,000.

Investments of an individual include a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10% interest or greater.

The term *“investment”* does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, interest in a government defined-benefit pension plan, or any bond or other debt instrument issued by any government or government agency. [Gov. Code §82034]

10. **“Doing Business in the Jurisdiction”**: A person is “doing business in the jurisdiction” if that person has business contacts on a regular or substantial basis with a person who maintains a physical presence in the jurisdiction of a public official. “Business contacts” include, but are not limited to, manufacturing, distributing, selling, purchasing, or providing services or goods. “Business contacts” do not include marketing via the Internet, telephone, television, radio, or printed media. [2 Cal. Code of Regs §18230]

11. **“Interest in Real Property”**: Includes any leasehold, beneficial or ownership interest, or an option to acquire such an interest in real property located within the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or their immediate family if the fair market value of the interest is two thousand dollars (\$2,000) or more. Interests in real property of any individual include a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10% interest or greater. [Gov. Code §82033]

12. **“Real Property Within the Jurisdiction”**: Jurisdiction is the region, county, city, district, or other geographical area in which the District has control. Real property shall be deemed to be “*within the jurisdiction*” if the property or any part of a parcel of real property is located within or not more than two miles outside the boundaries of the jurisdiction of the District or within two miles of any land owned or used by the District. [Gov. Code §82035]

13. **“Income”**:

(a) “*Income*” means, except as provided in Subsection (b), a payment received, including but not limited to any salary, wage, advance,

dividend, interest, rent, proceeds of any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income or any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a 10% interest or greater.

(b) *"Income,"* other than a gift, does not include:

(1) Income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required;

(2) Campaign contributions required to be reported under Chapter 4 of the Political Reform Act of 1974;

(3) Salary and reimbursement for expenses per diem, social security, disability, or other similar benefit payments received from a state, local or federal government agency, and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code:

(4) Any devise or inheritance;

(5) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;

(6) Dividends, interest or any other return on a security which is registered with the Securities & Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures;

(7) Redemption of a mutual fund;

(8) Alimony or child support payments;

(9) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status;

(10) Any loan from or any payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt or first cousin, or the spouse of any such person, provided that a loan or loan payment received from any such person shall be considered income they are acting as an agent or intermediary for any person not covered by this paragraph;

(11) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status;

(12) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(13) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser. [Gov. Code §82030]

14. "Salary and Reimbursement for Expenses or Per Diem Received":

(a) "*Salary*" means any and all payments made by a government agency to a public official, or accrued to the benefit of a public official, as consideration for the public official's services to the government agency. Such payments include wages, fees paid to public officials as "consultants" as defined in section 18700.3, pension benefits, health and other insurance coverage, rights to compensated vacation and leave time, free or discounted transportation, payment or indemnification of legal defense costs, and similar benefits.

(b) *"Per Diem"* from an agency means payment of a fixed sum of money, accruing daily to a public official when the public official is required to incur increased daily living expenses.

(c) *"Reimbursement for Expenses"* received from an agency means a payment to a public official, in compensation for otherwise uncompensated actual expenses incurred or to be incurred within 60 days by the public official in the course of their official duties. [2 Cal. Code of Regs. §18232]

15. "Gift":

(a) Except as provided in Subsection (b), below, a gift is any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to the official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. [Gov. Code §82028]

A gift includes the following:

(1) Except as provided in 2 Cal Code of Regs 18944 and 18944.1, a payment by the District from the District's assets that provides food, beverage, entertainment, goods or services of more than a nominal value to an official in that District is a gift to that official unless the payment is a lawful expenditure of public moneys. [2 Cal Code of Regs 18944.3].

(2) An item won by a District employee in a District raffle when the item awarded in the raffle has been received by the District from a source other than a District employee and the District did not purchase the item from its funds, the item is a gift from the source who provided the item to the District to the employee who wins the item and the District is the intermediary of the gift. The employee is required to report this gift on his or her statement of economic interests, and the District and employee shall comply with Gov. Code § 87210 or 87313 as applicable if the value of the gift is \$50 or more. The value of the gift is the fair market value of the item less any consideration paid by the employee to participate in the raffle. [2 Cal Code of Regs §18944.2(b)(1)]

(3) An item won by a District employee in a District raffle when the item awarded in the raffle has been obtained with District funds or is otherwise an asset of the District and not donated to the District by a non-District source, or if it is a gift if it is food, beverage, entertainment, goods, or services of more than a nominal value unless the payment is a lawful expenditure of public moneys. [2 Cal Code of Regs §18944.2(b)(2), 18944.3] A person shall not make a gift totaling fifty dollars (\$50) or more in a calendar year to a person described in Article 2 on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the gift both the intermediary or agent's own full name, street address, and business activity, if any, and the full name, street address, and business activity, if any, of the actual donor. The recipient of the gift shall include in the

recipient's Statement of Economic Interests the full name, street address, and business activity, if any, of the intermediary or agent and the actual donor. [Gov. Code § 87210].

(b) **Exceptions:** None of the following is a gift and none is subject to any limitation on gifts:

(1) Informational material which serves primarily to convey information and which is provided to the official for the purpose of assisting the recipient in the performance of their official duties or of the elective office they seek. Informational material may include:

(A) Books, reports, pamphlets, calendars, periodicals, photographs, audio and video recordings, CD-ROMS, DVD ROMS or other similar recordings, or free or discounted admission to informational conferences or seminars;

(B) Scale models, pictorial representations, maps, and other such items, provided that when the item has a fair market value in excess of \$520, the burden shall be on the recipient to demonstrate that the item is informational material;

(C) On-site demonstrations, tours or inspections designed specifically for the purpose of assisting the recipient public officials or candidates in the performance of either their official duties or of the elective office they seek. No payment for transportation to an inspection, tour or demonstration site, nor reimbursement for any expenses in connection therewith, shall be deemed *"informational*

material" except insofar as such transportation is not commercially obtainable. [Gov. Code § 82028(b)(1); 2 Cal. Code of Regs. §18942.1]

(2) Except for passes and tickets as provided in 2 Cal. Code of Regs. §18946.1, a gift that is not used and that, within 30 days after receipt, is returned to the donor or donated to a non-profit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution or deduction for tax purposes. In such event, neither the recipient nor the donor shall be required to disclose the recipient or making a gift or activity expense.

(3) Gifts for which, within 30 days after receipt or acceptance, reimbursement is made to the donor, or the donor's agent or intermediary, for all or a portion of the gift. In such event the value of the gift is reduced by the amount of the reimbursement, and the amount of any gift or activity expense which must be disclosed is reduced by the amount of the reimbursement.

(4) In order to relieve the recipient of an otherwise disqualifying financial interest based upon the receipt or acceptance of a gift valued at \$520 or more pursuant to Government Code Section 87100, the return, donation, or reimbursement of the gift pursuant to this section or to 2 Cal. Code of Regs. Section 18943(a):

(A) Must occur within 30 days of receipt
and prior to the date the recipient makes, participates

in making, or uses their official position to influence the government decision in question; or

(B) If the return, donation, or reimbursement has not been made prior to the decision, and the gift would otherwise cause the official to be disqualified from participating in a governmental decision, the recipient must publicly disclose the receipt of the gift on the public record, disclose its value, and declare that the return, donation, or reimbursement will occur within two working days following the decision. The subsequent return, donation, or reimbursement must be made within two working days, and within 30 days after receipt or acceptance, and must be documented in the public record. [2 Cal. Code of Regs. §18941]

(5) Gifts from an individual's spouse or former spouse, child or step-child, parent, grandparent, grandchild, brother, sister, current or former parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, grand nephew, grand niece, grand aunt, grand uncle, or first cousin including first cousin once removed, or the spouse or former spouse of any such person, other than former in-law, unless the donor is acting as an agent or intermediary for any person not identified by this paragraph. [2 Cal. Code of Regs. §18942]

(6) (A) Gifts given directly to members of an official's immediate family unless the gift confers a clear personal benefit on the

official. A gift to an official's immediate family member confers a clear personal benefit on the official in any of the following circumstances:

(i) It is reasonably foreseeable at the time the gift is made that the official will enjoy a financial benefit from the gift. A "financial benefit" from the gift includes, but is not limited to, a payment, other than occasional meals, lodging, or local transportation, to fulfill a commitment, obligation or expense of the type normally paid by a family for the ordinary care and support of one of its members.

(ii) It is reasonably foreseeable at the time the gift is made that the official will use the gift, except for minimal use.

(iii) The official exercises discretion and control over who will use or dispose of the gift. Exercising discretion and control includes, but it not limited to, when an official, or their agent, requests a gift for, or to be used by, the official's family member.

(B) A gift given solely to a member of an official's family unless the gift confers a presumed personal benefit on the official. A gift to an official's family member confers a presumed personal benefit on the official if the gift is made to a family member of an official who is subject to Government Code Section 87200 by a donor who is or has been directly involved in a governmental decision, as defined in 2 Cal.

Code of Regs. §18704 in which the official will foreseeably participate or has participated in the prior 12-month period.

(C) A gift to an official's family member that would not be a gift under the Code if given to the official directly.

(D) A gift to an official's family member that the official can show is from a donor when there is an established working, social, or similar relationship between the donor and the official's family member independent of the relationship between the donor and the official and the donor is not a donor who is or has been directly involved in a governmental decision, as defined in 2 Cal. Code of Regs. §18704, in which the official will foreseeably participate or has participated in the prior 12-month period.

(7) Campaign contributions required to be reported under Chapter 4 of the Act.

(8) Any devise or inheritance.

(9) Personalized plaques or trophies with an individual value of less than \$250.

(10) (A) The cost of home hospitality (including food, beverages, or occasional lodging) provided to an official by an individual in the individual's home when the individual is present, unless one of the following provisions applies:

(i) Any part of the hospitality is paid directly or reimbursed by another person.

(ii) Any person deducts any part of the cost of such hospitality as a business expense on any government tax return.

(iii) There is an understanding between the individual extending the hospitality and another person that any amount of compensation the individual receives from that person includes a portion to be utilized to provide gifts of hospitality in the individual's home.

(B) In determining the applicability of subparagraph (A) the following applies:

(i) The cost of providing hospitality does not include any part of the value or rental cost of the home nor does it include any depreciation value on the home where the hospitality is extended.

(ii) An official may presume that the cost of the home hospitality is paid by the host unless the host discloses to the official, or it is clear from the surrounding circumstances at the time the hospitality is provided, that a person, other than the host, paid the cost of the hospitality.

(11) Benefits commonly exchanged between an official who is required to file a statement of economic interests and an individual, other than a lobbyist who is registered to lobby the official's agency, on holidays, birthdays, or other occasions, including reciprocal exchanges where benefits

are commonly exchanged, provided that the presents exchanged are not substantially disproportionate in value. For purposes of this subdivision, and notwithstanding 2 Cal. Code of Regs. §18946.2(b), "gifts exchanged" includes food, entertainment, and nominal benefits provided to guests at the occasion by the honoree or another individual, other than a lobbyist, hosting the event.

(12) Leave credits, including vacation, sick leave, or compensatory time off, donated to an official in accordance with a bona fide catastrophic or similar emergency leave program established by the official's employer and available to all employees in the same job classification or position. This shall not include donations of cash.

(13) Payments received under a government agency program or a program established by a bona fide charitable organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code designed to provide disaster relief or food, shelter, or similar assistance to qualified recipients if such payments are available to members of the public without regard to official status.

(14) Admission, where paid admission is required, refreshments, and similar nominal benefits provided as part of the paid admission to those attending, to an official at an event in which the official gives a speech, participates in a panel or seminar, or provides a similar service, and actual intrastate transportation and any necessary lodging and subsistence provided directly in connection with

the speech, panel, seminar, or service, including but not limited to meals and beverages on the day of the activity. These items are not payments and need not be reported by any filer.

(15) The transportation, lodging, and subsistence specified by 2 Cal. Code of Regs. Section 18950.3 (in connection with campaign activities).

(c) The following items, if they are otherwise gifts, are exempt from the limitations on gifts described above:

(1) Payments for transportation, lodging, and subsistence that are exempt from limits on gifts by Government Code Section 89506 and 2 Cal. Code of Regs. Sections 18950, et. seq.

(2) Wedding gifts.

(A) Notwithstanding the provisions of 2 Cal. Code of Regs. Section 18943, wedding gifts given to an official and his or her spouse or spouse-to-be are considered as gifts to both spouses equally, and the official is deemed to receive one-half of the value as determined by 2 Cal. Code of Regs. Section 18946 [Gov. Code §82028; 2 Cal. Code of Regs. §§18942, 18946.3]

(16) (A) An item won by a District employee in a District raffle when the item awarded in the raffle has been received by the District from a source other than a District employee and the District did not purchase the item from its funds, the item is a gift from the source who provided the item to the District to the employee who wins the

item, and the District is the intermediary of the gift. The value of the gift is fair market value less any consideration that the employee paid to participate in the raffle. If the value of the gift is \$50 or more, the District and the employee shall comply with section 87210 or 87313 if applicable. [2 Cal Code of Regs. §18944.2(b)(1)].

(B) An item won by an employee of the District in an employee raffle when the item awarded in the raffle has been received by the District from a District employee who is not acting as an intermediary for another donor. [2 Cal Code of Regs. § 18944.2(b)(3)].

(C) When an employee of the District participates in an employee gift exchange, any item received by the employee is not a gift so long as the item received is provided by another employee of the District and the gifts are not substantially disproportionate in value. [2 Cal Code of Regs. §18944.2(c)].

(17) District Provided Tickets

(A) Tickets provided to an official by the District and distributed and used in accordance with a policy adopted by the District if all of the following criteria are met:

(1) The distribution of the ticket or pass by the agency is made in accordance with a policy adopted by the District as required in Cal. Regs. §18944.1(b) that incorporates all of the provisions herein and is maintained as a public record and reported as required in Cal. Regs §18944.1(c) and (d).

(2) The ticket or pass is not earmarked by an outside source for use by a specific District employee.

(3) The District determines, in its sole discretion, which employee uses the ticket or pass.

(B) A ticket or pass provided to an official of the District by the District when the official treats the ticket or pass as income consistent with applicable state and federal income tax laws and reports the distribution of the ticket or pass pursuant to 2 Cal Code of Regs. §18944.1(g).

(C) A ticket or pass is not subject to the provisions of Cal. Regs. §18944.1 and is not a gift for purposes of the Act if the employee reimburses the District for the ticket or pass within 30 days of receipt.

(18) A ticket or pass for admission to an facility, event, show or performance, for entertainment, amusement, recreation, or similar purpose provided by a source other than the District when the ticket or pass is provided to an official and one guest for their admission to an event at which the official performs a ceremonial role or function on behalf of the District, so long as the District complies with the posting provisions set forth in Cal. Reg. §18944.1(d). Any employee who attends the event as part of their job duty to assist the employee who is performing the ceremonial role has not received a gift or income by attending the event. Cal Regs. §18942 (a)(13).

(19) A monetary payment to the District, loan, gift, or other transfer and the payment for, or provision of, goods and services shall not be considered a gift or income to an official of the District if all of the following conditions are met:

(A) The general manager of the District determines and controls the District's use of the payment, including the selection of the District employee who will use the payment. The general manager may not select themselves as the individual who will use the payment unless payment is for an item and provides for the general use by District officials and the general manager is one of those officials who have access to such use.

(B) The payment is used for official District business.

(C) Within 30 days after the use of the payment, the District reports the payment on a form prescribed by the FPPC under 2 Cal Code of Regs. §18944(c)(3)(A-D).

16. "Honorarium":

(a) "*Honorarium*" is any payment made in consideration for any speech given, article published or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

(b) In addition to the exceptions contained 2 Cal Code of Regs. §18932 through 18933, the term "*honorarium*" does not include:

(1) Earned income for personal services which are customarily provided in connection with the practice of or employment

in a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the sole or predominant activity of the business, trade, or profession is making speeches.

(2) Any honorarium which is not used, and, within 30 days after receipt is either returned to the donor; delivered to the State Controller for donation to the general fund; or delivered to the District for donation to the District's general fund or equivalent without being claimed as a deduction from income for tax purposes. [Gov. Code §89501; 2 Cal. Code Regs. §18932 through §18933]

17. "Financial Interest": The term "financial interest" includes an interest in the public official's own personal finances and those of a member of their immediate family and an interest in anything or anyone below:

(a) Financial Interest – Business Entities:

(1) Any business entity, as defined in Gov. Code Section 82005, in which the public official has a direct or indirect investment worth at least \$2,000 (Section 87103(a)). For a "parent, subsidiary or otherwise related business entity," see 2 Cal. Code Regs. §18700.2.; and

(2) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management (Gov. Code § 87103(d))

"Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

(b) **Financial Interest – Real Property:** A public official has a *financial interest* in any real property in which the public official has a direct or indirect interest at least \$2,000. [Gov Code § 87103(b)] [See Definition 11, above, for detailed definition of *interest in real property*.]

(c) **Financial Interest – Source of Income:** A public official has a *financial interest* in any source of income, including commission income and incentive income as defined in 2. Cal. Code of Regs. Section 18700.1, amounting to at least \$500, provided or promised to, and received by the public official within 12 months before the relevant government decision is made. [Gov Code § 87103(c)] Income is "promised to" the public official, if they have a legally enforceable right to the promised income. [See Definition 13, above, for detailed definition of *income*.]

(d) **Financial Interest – Source of Gifts:** A public official has a *financial interest* in any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$520 or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. [See Definition 15, above, for detailed definition of *Gift*.] [Gov Code § 87103(e), 2 Cal. Code of Regs. §18700]

(e) **Financial Interest-Personal Finances:** A public official has a financial interest in any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of the public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater. [Gov Code § 87103(e)]

18. **"Materiality Standards":**

(a) **Specific Rules.** In order to determine if a governmental decision's reasonably foreseeable financial effect on a given financial interest is material;

(1) For governmental decisions which affect a financial interest in a business entity – apply 2 Cal. Code of Regs. Section 18702.1;

(2) For governmental decisions which affect a financial interest in real property – apply 2. Cal Code of Regs. Section 18702.2;

(3) For governmental decisions which affect financial interests in sources of income – apply 2 Cal. Code of Regs. Section 18702.3;

(4) For governmental decisions which affect financial interests in sources of gifts – apply 2 Cal. Code of Regs. Section 18702.4;

(5) For governmental decisions which affect the personal finances of the public official or their immediate family apply 2 Cal. Code of Regs. Section 18702.5.

(b) **Basic Rule.** A public official at the District has a prohibited conflict of interest and may not make, participate in making, or in any way use or attempt to use their official position to influence a decision when they know or have reason to know they have a disqualifying financial interest. A public official has a disqualifying financial interest if the decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, directly on the official, or their immediate family, or on any financial interest described in 2 Cal. Code of Regs. Sections 18700 (c)(6) (A-F). [2 Cal. Code of Regs. §18700].

(c) **Not Material.** Notwithstanding 2 Cal. Code of Regs. Sections 18702.1 through 18702.5, inclusive, the financial effect of a decision is not material if it is nominal, inconsequential, or insignificant. [2 Cal. Code of Regs. §18702].

19. **“Public Generally”:** A decision’s financial effect on a public official’s financial interest is indistinguishable from its effect on the public generally if the official establishes that a significant segment of the public is affected and the effect on their financial interest is not unique compared to the effect on the significant segment as set forth in defined in 2 Cal. Code of Regs. §18703. [2 Cal. Code of Regs. §18703].

20. **Determining Whether a Financial Effect is “Reasonably Foreseeable”:**

(a) **Financial Interest Explicitly Involved.** A financial effect on a financial interest is presumed to be reasonably foreseeable if the financial interest

is a named party in, or the subject of a proceeding if the decision involves the issuance, renewal, approval, denial, or revocation of any license, permit, or other entitlement to, or contract with, the financial interest, and includes any decision affecting a real property financial interest as described in 2 Cal. Code of Regs. §18702.2 (a)(1)(6).

(b) **Financial Interest Not Explicitly Involved in Decision.** A financial effect need not be likely to be considered reasonably foreseeable. In general, if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable. If the financial result cannot be expected absent extraordinary circumstances not subject to the public official's control, it is not reasonably foreseeable. In determining whether a governmental decision will have a reasonably foreseeable financial effect on a financial interest other than an interest described in subsection (a) above, the following factors should be considered. These factors are not intended to be an exclusive list of the relevant facts that may be considered in determining whether a financial effect is reasonably foreseeable, but are included as general guidelines:

(1) The extent to which the occurrence of the financial effect is contingent upon intervening events, not including future governmental decisions by the District, or any other agency appointed by or subject to the budgetary control of the District;

(2) Whether the public official should anticipate financial effect on their financial interest as a potential outcome under normal circumstances when using appropriate due diligence and care;

(3) Whether the public official has a financial interest that is of the type that would typically be affected by the terms of the government decision or whether the governmental decision is of the type that would be expected to have a financial effect on businesses and individuals similarly situated to those businesses and individuals in which the public official has a financial interest;

(4) Whether reasonable inference can be made that the financial effect of the governmental decision on the public official's financial interest might compromise a public official's ability to act in a manner consistent with their duty to act in the best interest of the public;

(5) Whether the governmental decision will provide or deny an opportunity, or create an advantage or disadvantage for one of the official's financial interest, including whether the financial interest may be entitled to compete or be eligible for a benefit resulting from the decision;

(6) Whether the public official has the type of financial interest that would cause a similarly situated person to weigh the advantages and disadvantages of the governmental decision on their financial interest in formulating a position. [2 Cal. Code of Regs. §18701]

21. "**Business Entity**": Any organization or enterprise operated for profit, including but not limited to, a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association. [Gov. Code §82005]

22. "**Immediate Family**": Immediate Family means the spouse and dependent children, (including an adoptive child or stepchild) who is under the age of 18 years old

and whom the official is entitled to claim as a dependent on their federal tax return. It also includes a child (including an adoptive child or stepchild) that is at least 18, but no more than 23, years old and is a full-time or part-time student, has the same principal residence as the official, (not including the time the child is away from the official's residence while attending school) and does not provide over one-half of their own support. [2 Cal Code of Regs §18943]

23. "**Spouse**": The term "spouse" shall include domestic partners registered with the California Secretary of State's Office and recognized by California State Law. [2 Cal. Code of Regs §18229; Fam. Code §297]

24. "**District**": Lake Hemet Municipal Water District.

25. "**Board**": Board of Directors of the District.

26. "**Filing Officer**": The filing officer is the person who receives, forwards, and retains the original statements of financial interests with duties as set forth in 2 Cal. Code of Regs. Section 18115. The filing officer shall also be the filing official for statements filed by all other public officials who manage public investments. The filing officer/official for the District shall be the Assistant Secretary to the Board.

27. "**Act**": Political Reform Act of 1974, Government Code Sections 81000 et. seq.

28. "**FPPC**": The Fair Political Practices Commission which was established by the Act to administer and implement the Act.

29. "**Code Reviewing Body**": The Code Reviewing Body for the District is the Board of Supervisors of the County of Riverside.

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

LAKE HEMET MUNICIPAL WATER DISTRICT

(Amended July 21, 2022)

EXHIBIT "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 are subject to the disclosure requirements of the Act. (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 investments⁴:

Members of the Board of Directors

General Manager

Financial Consultants

⁴ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
General Manager	1, 6
Purchasing Manager	5
Construction Manager	3, 6
Customer Service Supervisor	6
District Secretary	4, 5
Field Services Supervisor	3, 6
Accountant/Junior Accountant	4, 5
Maintenance Manager	5
Administrative Services Manager	4, 5
General Counsel	1, 2
Special Water Rights Counsel	1, 2
Human Resources Specialist	6
Operations and Maintenance Manager	3,5,6
Consultant ⁵	

⁵ Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, 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, and sources of income from, business entities 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, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

DEFINITIONS

1. **“Other Public Officials Who Manage Public Investments”**:

(a) As used in the District’s Conflict of Interest Code and the Act, this term means:

(1) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;

(2) High-level officers and employees of the District who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This definition shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and

(3) Individuals who, pursuant to a contract with the District, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in this definition.

(b) The following definitions shall apply to this Section:

(1) *“Public Investments”* means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.

(2) *“Public Moneys”* means all moneys belonging to, received by, or held by the District, or by an officer thereof acting in his or

her official capacity, and includes the proceeds of all bonds and other evidence of indebtedness, trust funds held by public pension and retirement systems deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which the District is a party.

(3) *“Management of public investments”* means the following non-ministerial functions:

- (A) Directing the investment of public moneys;
- (B) Formulating or approving investment policies;
- (C) Approving or establishing guidelines for asset allocations; or
- (D) Approving investment transactions.

(c) Those public officials coming within the definition contained in Subsection (a) above are subject to the conflict-of-interest disclosure requirements of Article 2, Chapter 7 of the Political Reform Act and must file a Statement of Economic Interests accordingly. [2 Cal. Code of Regs §18700.3]

2. **“Designated Employee”**: Any officer, employee, member or consultant of the District whose position is so designated in the Appendix of the District’s Conflict of Interest Code. The Appendix sets forth those positions which entail the making or participation in the making of decisions which may foreseeably have a material effect on financial interests, but does not include any unsalaried member of any board or commission which serves a solely advisory function, or any public official specified in Government Code Section 87200. [Gov. Code §82019]

3. **"Public Official"**: Every member, officer, employee or consultant of the District. The term "public official" also includes individuals who perform the same or substantially the same duties as an individual holding an office or a position listed in Government Code Section 87200 or the Conflict of Interest Code including ***"other public officials who manage public investments"*** as defined in Definition No. 1, above.

(a) ***"Member"*** shall include, but not be limited to, salaried or unsalaried members of committees, boards or commissions with decision-making authority. A committee, board, group or commission possesses decision-making authority whenever:

(1) It may make a final governmental decision;

(2) It may compel or prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto that may not be overridden; or

(3) It makes substantive recommendations that are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or the District.

(b) A committee, board, or commission does not possess decision making authority under subsection (a) if it is formed or engaged for the sole purpose of researching a topic and preparing a report or recommendation for submission to another public official or governmental agency that has final decision-making authority.

(c) *“Consultant”* means an individual who, pursuant to a contract with the District:

(1) **Makes a governmental decision** whether to:

(A) Approve a rate, rule, or regulation;

(B) Adopt or enforce a law;

(C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;

(D) Authorize the District to enter into, modify, or renew a contract provided it is the type of contract which requires District approval;

(E) Grant District approval to a contract which requires District approval and to which the District is a party or to the specifications for such a contract;

(F) Grant District approval to a plan, design, report, study, or similar item;

(G) Adopt, or grant District approval of, policies, standards, or guidelines for the District, or for any subdivision thereof; or

(2) Serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in Definition 5, below, or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's Conflict of Interest Code. [Gov. Code §82048; 2 Cal. Code of Regs §18700 and 18700.3]

4. **"Making Governmental Decision"**: A public official *"makes a governmental decision,"* if the official authorizes or directs any action, votes, appoints any person, obligates or commits the District to any course of action, or enters into any contractual agreement on behalf of the District. [2 Cal. Code of Regs §18704(a)]

5. **"Participating in the Making of Governmental Decisions"**:

(a) A public official **"participates in the making of a governmental decision,"** if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review. [2 Cal. Code of Regs. §18704(b)]

(b) *"Making"* or *"participating in making"* a governmental decision shall not include:

(1) Actions of official which are solely ministerial, secretarial, or clerical;

(2) Appearances by a public official as a member of the general public before the District or an agency in the course of its prescribed governmental function if the official is appearing on matters solely to the official's personal interests, including interests in:

(A) An interest in real property which is wholly owned by the official, members of his or her immediate family, or the official and members of his or her immediate family;

(B) A business entity wholly owned by the official, members of his or her immediate family, or by the official and members of his or her immediate family; or

(C) A business entity over which the official, members of his or her immediate family, or the official and members of his or her immediate family solely or jointly exercise full direction and control.

(3) Actions by public officials relating to their compensation or the terms or conditions of their employment or consulting contract. However, an official may not make a decision to appoint, hire, fire, promote, demote, or suspend without pay or take disciplinary action with financial sanction against the official or his or her immediate family, or set a salary for the official or his or her immediate family different from salaries paid to other employees of the District in the same job classification or position.

(4) Public Speaking. Communications by a public official to the general public or media.

(5) Prepares drawings or submissions of an architectural, engineering, or similar nature prepared by a public official for a client to submit in a proceeding before the District. However, this provision applies only if the work is performed pursuant to the official's profession and official does not make any contact with the agency staff concerning the process or evaluation of the documents prepared by the official.

(6) Appears before a design or architectural review committee or similar body of which he or she is a member to present drawings or submissions of an architectural, engineering, or similar nature

which the official has prepared for a client if the following three criteria are met:

(A) The review committee's sole function is to review architectural or engineering plans and to make recommendations to a planning commission or other agency;

(B) The review committee is required by law to include architects, engineers or persons in related professions, and the official was appointed to the body to fulfill this requirement; and

(C) The official is a sole practitioner. [2 Cal. Code of Regs §18704]

6. **"Using or Attempting to Use Official Position to Influence":**

(a) A public official uses his or her official position to influence governmental decision if he or she:

(1) Contacts or appears before any official in the District or in an agency subject to the authority or budgetary control of the District for the purpose of affecting a decision; or

(2) Contacts or appears before any official in any other government agency for the purpose of affecting a decision, and the public official acts or purports to act within his or her authority on or behalf of the District in making the contact. [2 Cal. Code of Regs. §18704]

7. **"Public Identification of a Conflict of Interest for Section 87200**

Filers":

(a) Government Code Section 87105 and 2 California Code of Regulations Section 18707 apply when a public official who holds an office specified in Government Code Section 87200 has a financial interest in a decision within the meaning of Government Code Section 87100, and the governmental decision relates to an agenda item which is noticed for a meeting subject to the provisions of the Bagley-Keene Act (Gov. Code §11120 et. seq.) or the Brown Act (Gov. Code §54950 et seq.).

(b) **Content & Timing of Identification:** The public official , following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, must do all of the following:

(1) **The public official must publicly identify:**

(A) Each type of financial interest held by the public official which is involved in the decision and gives rise to the disqualifying conflict of interest (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts); and

(B) The following details identifying the financial interest(s):

(i) if an investment, the name of the business entity in which each investment is held;

(ii) if a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity;

(iii) if real property, the address or other indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence;

(iv) if income or gifts, the identification of the source; and

(v) if personal financial effect, the identification of the expense, liability, asset or income affected.

(2) **Form of Identification:** If the governmental decision will be made during an open session of a public meeting, the public identification must be made orally and be made part of the official public record.

(3) **Recusal/Leaving the Room:** The public official must recuse himself or herself and leave the room after the identification is made. He or she shall not be counted toward achieving a quorum while the item is discussed.

(c) **Special Rules for Closed Session:** If the governmental decision is made during a closed session of a public meeting, the public identification must be made orally during the open session before the body goes into closed session and may be limited to a declaration that his or her recusal is because of a conflict of interest under Government Code Section 87100. The declaration will be made part of the official public record. The public official

must not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the governmental decision.

(d) **Exceptions:**

(1) **Uncontested Matters:** The exception from leaving the room granted in Government Code Section 87105(a)(3) for a "matter [that] has been placed on the portion of the agenda reserved for uncontested matters" shall mean agenda items on the consent calendar. If the public official has a financial interest in a matter on the consent calendar, the public official must comply with subdivisions (a)(1)(A) and (a)(1)(B) of 2 California Code of Regulations Section 18707, and recuse himself or herself from discussing or voting on that matter, but the public official is not required to leave the room during the consent calendar.

(2) **Absence:** If the public official is absent when the agenda item subject to subdivision (a) of 2 California Code of Regulations Section 18707 is considered, there are no public identification duties on the public official for that item at that meeting.

(3) **Speaking as a Member of the Public Regarding an Applicable Personal Interest:** When a personal interest found in 2 Cal. Code of Regs. Section 18704(d)(2) is present, a public official may speak as a member of the general public if he or she complies with subdivisions(a)(1)(A) and (a)(1)(B) of 2 California Code of Regulations Section 18707, recuses himself or herself from voting on the matter and

leaves the dais to speak from the same area as the members of the public. He or she may listen to the public discussion and deliberations of the matter with the members of the public. [2 Cal. Code Regs. §18707]

8. **"Financial Interest in Decision"**: An official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family, or on:

(a) Any business entity in which the public official has a direct or indirect investment worth \$2,000 or more;

(b) Any real property in which the public official has a direct or indirect interest worth \$2,000 or more;

(c) Any source of income, including commission income and incentive income, aggregating \$500 or more in value provided or promised to, and received by, the public official within 12 months prior to the time when the decision is made;

(d) Any business entity in which the official is a director, officer, partner, trustee, employee, or holds any position of management; or

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. The amount of the value of gifts by this subdivision shall be adjusted biennially by the FPPC. [2 Cal. Code Regs. §18700]

(f) **“Indirect Investment or Interest”**: Any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse and dependent children own directly, indirectly or beneficially, a 10% interest or greater. [Govt. Code §87103 and 2 Cal. Code Regs. §18700]

9. **“Investment”**: Any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property within the jurisdiction, or does business or plans to do business within the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under the District's Conflict of Interest Code. No asset shall be deemed an investment unless its fair market value equals or exceeds \$2,000.

Investments of an individual include a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10% interest or greater.

The term *“investment”* does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section

1564 of the Financial Code, interest in a government defined-benefit pension plan, or any bond or other debt instrument issued by any government or government agency.

[Gov. Code §82034]

10. **“Doing Business in the Jurisdiction”**: A person is “doing business in the jurisdiction” if that person has business contacts on a regular or substantial basis with a person who maintains a physical presence in the jurisdiction of a public official. “Business contacts” include, but are not limited to, manufacturing, distributing, selling, purchasing, or providing services or goods. “Business contacts” do not include marketing via the Internet, telephone, television, radio, or printed media. [2 Cal. Code of Regs §18230]

11. **“Interest in Real Property”**: Includes any leasehold, beneficial or ownership interest, or an option to acquire such an interest in real property located within the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is two thousand dollars (\$2,000) or more. Interests in real property of any individual include a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10% interest or greater. [Gov. Code §82033]

12. **“Real Property Within the Jurisdiction”**: Jurisdiction is the region, county, city, district, or other geographical area in which the District has control. Real property shall be deemed to be “*within the jurisdiction*” if the property or any part of a parcel of real property is located within or not more than two miles outside the

boundaries of the jurisdiction of the District or within two miles of any land owned or used by the District. [Gov. Code §82035]

13. **"Income"**:

(a) *"Income"* means, except as provided in Subsection (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds of any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income or any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a 10% interest or greater.

(b) *"Income,"* other than a gift, does not include:

- (1) Income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required;
- (2) Campaign contributions required to be reported under Chapter 4 of the Political Reform Act of 1974;
- (3) Salary and reimbursement for expenses per diem, social security, disability, or other similar benefit payments received from

a state, local or federal government agency, and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code:

(4) Any devise or inheritance;

(5) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;

(6) Dividends, interest or any other return on a security which is registered with the Securities & Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures;

(7) Redemption of a mutual fund;

(8) Alimony or child support payments;

(9) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status;

(10) Any loan from or any payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt or first cousin, or the spouse of any such person, provided that

a loan or loan payment received from any such person shall be considered income if he or she is acting as an agent or intermediary for any person not covered by this paragraph;

(11) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status;

(12) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(13) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser. [Gov. Code §82030]

14. "Salary and Reimbursement for Expenses or Per Diem Received":

(a) "*Salary*" means any and all payments made by a government agency to a public official, or accrued to the benefit of a public official, as consideration for the public official's services to the government agency. Such payments include wages, fees paid to public officials as "consultants" as defined in section 18700.3, pension benefits, health and other insurance coverage, rights to compensated vacation and leave time, free or

discounted transportation, payment or indemnification of legal defense costs, and similar benefits.

(b) *"Per Diem"* from an agency means payment of a fixed sum of money, accruing daily to a public official when the public official is required to incur increased daily living expenses.

(c) *"Reimbursement for Expenses"* received from an agency means a payment to a public official, in compensation for otherwise uncompensated actual expenses incurred or to be incurred within 60 days by the public official in the course of his or her official duties. [2 Cal. Code of Regs. §18232]

15. "Gift":

(a) Except as provided in Subsection (b), below, a gift is any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to the official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. [Gov. Code §82028]

A gift includes the following:

(1) Except as provided in 2 Cal Code of Regs 18944 and 18944.1, a payment by the District from the District's assets that provides

food, beverage, entertainment, goods or services of more than a nominal value to an official in that District is a gift to that official unless the payment is a lawful expenditure of public moneys. [2 Cal Code of Regs 18944.3].

(2) An item won by a District employee in a District raffle when the item awarded in the raffle has been received by the District from a source other than a District employee and the District did not purchase the item from its funds, the item is a gift from the source who provided the item to the District to the employee who wins the item and the District is the intermediary of the gift. The employee is required to report this gift on his or her statement of economic interests, and the District and employee shall comply with Gov. Code ' 87210 or 87313 as applicable if the value of the gift is \$50 or more. The value of the gift is the fair market value of the item less any consideration paid by the employee to participate in the raffle. [2 Cal Code of Regs ' 18944.2(b)(1)]

(3) An item won by a District employee in a District raffle when the item awarded in the raffle has been obtained with District funds or is otherwise an asset of the District and not donated to the District by a non-District source, or if it is a gift if it is food, beverage, entertainment, goods, or services of more than a nominal value unless the payment is a lawful expenditure of public moneys. [2 Cal Code of Regs ' 18944.2(b)(2), 18944.3]

(b) **Exceptions:** None of the following is a gift and none is subject to any limitation on gifts:

(1) Informational material which serves primarily to convey information and which is provided to the official for the purpose of assisting the recipient in the performance of his or her official duties or of the elective office he or she seeks. Informational material may include:

(A) Books, reports, pamphlets, calendars, periodicals, photographs, audio and video recordings, CD-ROMS, DVD ROMS or other similar recordings, or free or discounted Admission to informational conferences or seminars;

(B) Scale models, pictorial representations, maps, and other such items, provided that when the item has a fair market value in excess of \$500, the burden shall be on the recipient to demonstrate that the item is informational material;

(C) On-site demonstrations, tours or inspections designed specifically for the purpose of assisting the recipient public officials or candidates in the performance of either their official duties or of the elective office they seek. No payment for transportation to an inspection, tour or demonstration site, nor reimbursement for any expenses in connection therewith, shall be deemed "*informational material*" except insofar as such transportation is not commercially obtainable. [Gov. Code § 82028(b)(1); 2 Cal. Code of Regs. §18942.1]

(2) Except for passes and tickets as provided in 2 Cal. Code of Regs. §18946.1, a gift that is not used and that, within 30 days

after receipt, is returned to the donor or donated to a non-profit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution or deduction for tax purposes. In such event, neither the recipient nor the donor shall be required to disclose the recipient or making a gift or activity expense.

(3) Gifts for which, within 30 days after receipt or acceptance, reimbursement is made to the donor, or the donor's agent or intermediary, for all or a portion of the gift. In such event the value of the gift is reduced by the amount of the reimbursement, and the amount of any gift or activity expense which must be disclosed is reduced by the amount of the reimbursement.

(4) In order to relieve the recipient of an otherwise disqualifying financial interest based upon the receipt or acceptance of a gift valued at \$500 or more pursuant to Government Code Section 87100, the return, donation, or reimbursement of the gift pursuant to this section or to 2 Cal. Code of Regs. Section 18943(a):

(A) Must occur within 30 days of receipt and prior to the date the recipient makes, participates in making, or uses his or her official position to influence the government decision in question; or

(B) If the return, donation, or reimbursement has not been made prior to the decision, and the gift would otherwise cause the official to be disqualified from participating in a

governmental decision, the recipient must publicly disclose the receipt of the gift on the public record, disclose its value, and declare that the return, donation, or reimbursement will occur within two working days following the decision. The subsequent return, donation, or reimbursement must be made within two working days, and within 30 days after receipt or acceptance, and must be documented in the public record. [2 Cal. Code of Regs. §18941]

(5) Gifts from an individual's spouse or former spouse, child or step-child, parent, grandparent, grandchild, brother, sister, current or former parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, grand nephew, grand niece, grand aunt, grand uncle, or first cousin including first cousin once removed, or the spouse or former spouse of any such person, other than former in-law, unless the donor is acting as an agent or intermediary for any person not identified by this paragraph. [2 Cal. Code of Regs. §18942]

(6) (A) Gifts given directly to members of an official's immediate family unless the gift confers a clear personal benefit on the official. A gift to an official's immediate family member confers a clear personal benefit on the official in any of the following circumstances:

(i) It is reasonably foreseeable at the time the gift is made that the official will enjoy a financial benefit from the gift. A "financial benefit" from the gift includes, but is not

limited to, a payment, other than occasional meals, lodging, or local transportation, to fulfill a commitment, obligation or expense of the type normally paid by a family for the ordinary care and support of one of its members.

(ii) It is reasonably foreseeable at the time the gift is made that the official will use the gift, except for minimal use.

(iii) The official exercises discretion and control over who will use or dispose of the gift. Exercising discretion and control includes, but it not limited to, when an official, or his or her agent, requests a gift for, or to be used by, the official's family member.

(B) A gift given solely to a member of an official's family unless the gift confers a presumed personal benefit on the official. A gift to an official's family member confers a presumed personal benefit on the official if the gift is made to a family member of an official who is subject to Government Code Section 87200 by a donor who is or has been directly involved in a governmental decision, as defined in 2 Cal. Code of Regs. §18704 in which the official will foreseeably participate or has participated in the prior 12-month period.

(C) A gift to an official's family member that would not be a gift under the Code if given to the official directly.

(D) A gift to an official's family member that the official can show is from a donor when there is an established working, social, or similar relationship between the donor and the official's family member independent of the relationship between the donor and the official and the donor is not a donor who is or has been directly involved in a governmental decision, as defined in 2 Cal. Code of Regs. §18704, in which the official will foreseeably participate or has participated in the prior 12-month period.

(7) Campaign contributions required to be reported under Chapter 4 of the Act.

(8) Any devise or inheritance.

(9) Personalized plaques or trophies with an individual value of less than \$250.

(10) (A) The cost of home hospitality (including food, beverages, or occasional lodging) provided to an official by an individual in the individual's home when the individual is present, unless one of the following provisions applies:

(i) Any part of the hospitality is paid directly or reimbursed by another person.

(ii) Any person deducts any part of the cost of such hospitality as a business expense on any government tax return.

(iii) There is an understanding between the individual extending the hospitality and another person that any amount of compensation the individual receives from that person includes a portion to be utilized to provide gifts of hospitality in the individual's home.

(B) In determining the applicability of subparagraph (A) the following applies:

(i) The cost of providing hospitality does not include any part of the value or rental cost of the home nor does it include any depreciation value on the home where the hospitality is extended.

(ii) An official may presume that the cost of the home hospitality is paid by the host unless the host discloses to the official, or it is clear from the surrounding circumstances at the time the hospitality is provided, that a person, other than the host, paid the cost of the hospitality.

(11) Benefits commonly exchanged between an official who is required to file a statement of economic interests and an individual, other than a lobbyist who is registered to lobby the official's agency, on holidays, birthdays, or other occasions, including reciprocal exchanges where benefits are commonly exchanged, provided that the presents exchanged are not substantially disproportionate in value. For purposes of this subdivision, and notwithstanding 2 Cal. Code of Regs. §18946.2(b),

"gifts exchanged" includes food, entertainment, and nominal benefits provided to guests at the occasion by the honoree or another individual, other than a lobbyist, hosting the event.

(12) Leave credits, including vacation, sick leave, or compensatory time off, donated to an official in accordance with a bona fide catastrophic or similar emergency leave program established by the official's employer and available to all employees in the same job classification or position. This shall not include donations of cash.

(13) Payments received under a government agency program or a program established by a bona fide charitable organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code designed to provide disaster relief or food, shelter, or similar assistance to qualified recipients if such payments are available to members of the public without regard to official status.

(14) Admission, where paid admission is required, refreshments, and similar nominal benefits provided as part of the paid admission to those attending, to an official at an event in which the official gives a speech, participates in a panel or seminar, or provides a similar service, and actual intrastate transportation and any necessary lodging and subsistence provided directly in connection with the speech, panel, seminar, or service, including but not limited to meals and beverages on the day of the activity. These items are not payments and need not be reported by any filer.

(15) The transportation, lodging, and subsistence specified by 2 Cal. Code of Regs. Section 18950.3 (in connection with campaign activities).

(c) The following items, if they are otherwise gifts, are exempt from the limitations on gifts described above:

(1) Payments for transportation, lodging, and subsistence that are exempt from limits on gifts by Government Code Section 89506 and 2 Cal. Code of Regs. Sections 18950, et. seq.

(2) Wedding gifts.

(A) Notwithstanding the provisions of 2 Cal. Code of Regs. Section 18943 wedding gifts given to an official and his or her spouse or spouse-to-be-to be are considered as gifts to both spouses equally, and the official is deemed to receive one-half of the value as determined by 2 Cal. Code of Regs. Section 18946 [Gov. Code §82028; 2 Cal. Code of Regs. §§18942, 18946.3]

(16) (A) An item won by a District employee in a District raffle when the item awarded in the raffle has been received by the District from a source other than a District employee and the District did not purchase the item from its funds, the item is a gift from the source who provided the item to the District to the employee who wins the item, and the District is the intermediary of the gift. The value of the gift is fair market value less any consideration that the employee paid to participate in the raffle. If the value of the gift is

\$50 or more, the District and the employee shall comply with section 87210 or 87313 if applicable. [2 Cal Code of Regs. §18944.2(b)(1)].

(B) An item won by an employee of the District in an employee raffle when the item awarded in the raffle has been received by the District from a District employee who is not acting as an intermediary for another donor. [2 Cal Code of Regs. §18944.2(b)(3)].

(C) When an employee of the District participates in an employee gift exchange, any item received by the employee is not a gift so long as the item received is provided by another employee of the District and the gifts are not substantially disproportionate in value. [2 Cal Code of Regs. §18944.2(c)].

(17) District Provided Tickets

(A) Tickets provided to an official by the District and distributed and used in accordance with a policy adopted by the District if all of the following criteria are met: :

(1) The distribution of the ticket or pass by the agency is made in accordance with a policy adopted by the District as required in Cal. Regs. 18944.1(b) that incorporates all of the provisions herein and is maintained as a public record and reported as required in Cal. Regs 18944.1(c) and (d).

(2) The ticket or pass is not earmarked by an outside source for use by a specific District employee.

(3) The District determines, in its sole discretion, which employee uses the ticket or pass.

(B) A ticket or pass provided to an official of the District by the District when the official treats the ticket or pass as income consistent with applicable state and federal income tax laws and reports the distribution of the ticket or pass pursuant to 2 Cal Code of Regs. 18944.1(g).

(C) A ticket or pass is not subject to the provisions of Cal. Reg/ 18944.1 and is not a gift for purposes of the Act if the employee reimburses the District for the ticket or pass within 30 days of receipt.

(18) A ticket or pass for admission to an facility, event, show or performance, for entertainment, amusement, recreation, or similar purpose provided by a source other than the District when the ticket or pass is provided to an official and one guest for his or her admission to an event at which the official performs a ceremonial role or function on behalf of the District, so long as the District complies with the posting provisions set forth in Cal. Reg. 18944.1(d). Any employee who attends the event as part of his or her job duty to assist the employee who is performing the ceremonial role has not received a gift or income by attending the event. Cal Regs. 18942 (a)(13).

(19) A monetary payment to the District, loan, gift, or other transfer and the payment for, or provision of, goods and services shall not be considered a gift or income to the an official of the District if all of the following conditions are met:

(A) The general manager of the District determines and controls the District's use of the payment, including the selection of the District employee who will use the payment. The general manager may not select himself or herself as the individual who will use the payment unless payment is for an item and provides for the general use by District officials and the general manager is one of those officials who have access to such use.

(B) The payment is used for official District business.

(C) Within 30 days after the use of the payment, the District reports the payment on a form prescribed by the FPPC under 2 Cal Code of Regs. 18944(c)(3)(A-D).

16. "Honorarium":

(a) "*Honorarium*" is any payment made in consideration for any speech given, article published or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

(b) In addition to the exceptions contained 2 Cal Code of Regs. §18932 through 18933, the term "*honorarium*" does not include:

(1) Earned income for personal services which are customarily provided in connection with the practice of or employment

in a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the sole or predominant activity of the business, trade, or profession is making speeches.

(2) Any honorarium which is not used, and, within 30 days after receipt is either returned to the donor; delivered to the State Controller for donation to the general fund; or delivered to the District for donation to the District's general fund or equivalent without being claimed as a deduction from income for tax purposes. [Gov. Code §89501; 2 Cal. Code Regs. §18932 through 18933]

17. **“Financial Interest”**: The term “financial interest” includes an interest in the public official's own personal finances and those of a member of his or her immediate family and an interest in anything or anyone below:

(a) **Financial Interest – Business Entities:**

(1) Any business entity, as defined in Gov. Code Section 82005, in which the public official has a direct or indirect investment worth at least \$2,000 (Section 87103(a). For a “parent, subsidiary or otherwise related business entity,” see 2 Cal. Code Regs. §18700.2.; and

(2) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management (Gov. Code § 87103(d))

(b) **Financial Interest – Real Property:** A public official has a *financial interest* in any real property in which the public official has a direct or indirect interest at least \$2,000. [Gov Code § 87103(b)] [See Definition 11, above, for detailed definition of *interest in real property*.]

(c) **Financial Interest – Source of Income:** A public official has a *financial interest* in any source of income, including commission income and incentive income as defined in 2. Cal. Code of Regs. Section 18700.1, amounting to at least \$500, provided or promised to, and received by the public official within 12 months before the relevant government decision is made. [Gov Code § 87103(c)] Income is "promised to" the public official, if he or she has a legally enforceable right to the promised income. [See Definition 13, above, for detailed definition of *income*.]

(d) **Financial Interest – Source of Gifts:** A public official has a *financial interest* in any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. [See Definition 15, above, for detailed definition of *Gift*.] [Gov Code § 87103(e) 2 Cal. Code of Regs. §18700]

(e) **Financial Interest-Personal Finances:** A public official has a financial interest in any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of the public official, or by a business entity or trust in which the official, the official's agents, spouse, and

dependent children own directly, indirectly, or beneficially a 10-percent interest or greater. [Gov Code § 87103(e)]

18. "Materiality Standards":

(a) **Specific Rules.** In order to determine if a governmental decision's reasonably foreseeable financial effect on a given financial interest is material;

(1) For governmental decisions which affect a financial interest in a business entity – apply 2 Cal. Code of Regs. Section 18702.1;

(2) For governmental decisions which affect a financial interest in real property – apply 2. Cal Code of Regs. Section 18702.2;

(3) For governmental decisions which affect financial interests in sources of income – apply 2 Cal. Code of Regs. Section 18702.3;

(4) For governmental decisions which affect financial interests in sources of gifts – apply 2 Cal. Code of Regs. Section 18702.4;

(5) For governmental decisions which affect the personal finances of the public official or his or her immediate family apply 2 Cal. Code of Regs. Section 18702.5.

(b) **Basic Rule.** A public official at the District has a prohibited conflict of interest and may not make, participate in making, or in any way use or

attempt to use his or her official position to influence a decision when he or she knows or has reason to know he or she has a disqualifying financial interest. A public official has a disqualifying financial interest if the decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, directly on the official, or his or her immediate family, or on any financial interest described in 2 Cal. Code of Regs. Sections 18700 (c)(6) (A-F). [2 Cal. Code of Regs. §18700].

(c) Not Material. Notwithstanding 2 Cal. Code of Regs. Sections 18702.1 through 18702.5, inclusive, the financial effect of a decision is not material if it is nominal, inconsequential, or insignificant. [2 Cal. Code of Regs. §18702].

19. **“Public Generally”**: A decision's financial effect on a public official's financial interest is indistinguishable from its effect on the public generally if the official establishes that a significant segment of the public is affected and the effect on his or her financial interest is not unique compared to the effect on the significant segment as set forth in defined in 2 Cal. Code of Regs. 18703.[2 Cal. Code of Regs. 18703].

20. **Determining Whether a Financial Effect is “Reasonably Foreseeable”**:

(a) Financial Interest Explicitly Involved. A financial effect on a financial interest is presumed to be reasonably foreseeable if the financial interest is a named party in, or the subject of a proceeding if the decision involves the issuance, renewal, approval, denial, or revocation of any license, permit, or other entitlement to, or contract with, the financial interest, and

includes any decision affecting a real property financial interest as described in 2 Cal. Code of Regs. 18702.2 (a)(1)(6).

(b) **Financial Interest Not Explicitly Involved in Decision.** A financial effect need not be likely to be considered reasonably foreseeable. In general, if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable. If the financial result cannot be expected absent extraordinary circumstances not subject to the public official's control, it is not reasonably foreseeable. In determining whether a governmental decision will have a reasonably foreseeable financial effect on a financial interest other than an interest described in subsection (a) above, the following factors should be considered. These factors are not intended to be an exclusive list of the relevant facts that may be considered in determining whether a financial effect is reasonably foreseeable, but are included as general guidelines:

(1) The extent to which the occurrence of the financial effect is contingent upon intervening events, not including future governmental decisions by the District, or any other agency appointed by or subject to the budgetary control of the District;

(2) Whether the public official should anticipate financial effect on his or her financial interest as a potential outcome under normal circumstances when using appropriate due diligence and care;

(3) Whether the public official has a financial interest that is of the type that would typically be affected by the terms of the

government decision or whether the governmental decision is of the type that would be expected to have a financial effect on businesses and individuals similarly situated to those businesses and individuals in which the public official has a financial interest;

(4) Whether reasonable inference can be made that the financial effect of the governmental decision on the public official's financial interest might compromise a public official's ability to act in a manner consistent with his or her duty to act in the best interest of the public;

(5) Whether the governmental decision will provide or deny an opportunity, or create an advantage or disadvantage for one of the official's financial interest, including whether the financial interest may be entitled to compete or be eligible for a benefit resulting from the decision;

(6) Whether the public official has the type of financial interest that would cause a similarly situated person to weigh the advantages and disadvantages of the governmental decision on his or her financial interest in formulating a position. [2 Cal. Code of Regs. 18701]

21. **Business Entity**: Any organization or enterprise operated for profit, including but not limited to, a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association. [Gov. Code §82005]

22. **“Immediate Family”**: Immediate Family means the spouse and dependent children, (including an adoptive child or stepchild) who is under the age of 18 years old and whom the official is entitled to claim as a dependent on his or her federal tax return. It also includes a child (including an adoptive child or stepchild) that is at least 18, but no more than 23, years old and is a full-time or part-time student, has the same principal residence as the official, (not including the time the child is away from the official's residence while attending school) and does not provide over one-half of his or her own support. [2 Cal Code of Regs § 18229, 18229.1 and 18943]

23. **“Spouse”**: The term “spouse” shall include domestic partners registered with the California Secretary of State’s Office and recognized by California State Law. [2 Cal. Code of Regs §18229; Fam. Code §297]

24. **“District”**: Lake Hemet Municipal Water District.

25. **“Board”**: Board of Directors of the District.

26. **“Filing Officer”**: The filing officer is the person who receives, forwards, and retains the original statements of financial interests with duties as set forth in 2 Cal. Code of Regs. Section 18115. The filing officer shall also be the filing official for statements filed by all other public officials who manage public investments. The filing officer/official for the District shall be the Assistant Secretary to the Board.

27. **“Act”**: Political Reform Act of 1974, Government Code Sections 81000 et. seq.

28. **“FPPC”**: The Fair Political Practices Commission which was established by the Act to administer and implement the Act.

29. **Code Reviewing Body**: The Code Reviewing Body for the District is the Board of Supervisors of the County of Riverside.

