

San Gorgonio Pass Water Agency

DATE: August 8, 2022
TO: Board of Directors
FROM: Lance Eckhart, General Manager
BY: Lance Eckhart, General Manager
**SUBJECT: ADOPT RESOLUTION NO. 2022-19 AMENDING THE AGENCY'S
CONFLICT OF INTEREST CODE**

RECOMMENDATION

It is recommended that the Board of Directors adopt Resolution No. 2022-19 amending the Conflict of Interest Code of the San Gorgonio Pass Water Agency (the "Agency").

BACKGROUND

The Political Reform Act (the "Act") requires all public agencies to adopt and maintain a Conflict of Interest Code containing the rules for disclosure of personal assets and the prohibition from making or participating in making governmental decisions that may affect any personal assets. The Conflict of Interest Code must specifically designate all Agency positions that make or participate in the making of decisions and assign specific types of personal assets to be disclosed that may be affected by the exercise of powers and duties of that position.

The Act further requires that the Agency regularly review and update its Code as necessary when directed by the code-reviewing body or when change is necessitated by changed circumstances. (Gov. Code §§ 87306 and 87306.5)

Pursuant to the Act the Agency adopted a Conflict of Interest Code which was last amended on November 7, 2016. As directed by the Fair Political Practices Commission, review shows that the Code must be amended to include a new position required to be designated, revise titles of existing positions and revises a disclosure category.

Attached is a redline version of the amended Code showing the proposed revisions to the Conflict of Interest Code.

ACTION

Adopt Resolution No. 2022-19 adopting the amended Conflict of Interest Code of the San Gorgonio Pass Water Agency and directing that such amendment be submitted to the Fair Political Practices Commission as the Agency's code-reviewing body (Gov. Code § 82011) requesting approval of the amendment as required under Government Code section 87303.

ATTACHMENTS

Resolution No. 2022-19

Legislative version of the proposed amended Conflict of Interest Code.

Legislative (redlined) version of the proposed amended Conflict of Interest Code.

RESOLUTION NO. 2022-19

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY AMENDING THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

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 conflicts of interest which potentially affect all officers, employees and consultants of the San Gorgonio Pass Water Agency (the “Agency”) and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Board of Directors, adopted a Conflict of Interest Code (the “Code”) which was amended on November 7, 2016, in compliance with the Act; and

WHEREAS, subsequent changed circumstances have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Agency’s Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the Agency being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Code was provided each affected designated position and publicly posted for review at the offices of the Agency and established a 45-day comment period in compliance with Title 2 California Code of Regulations Section 18750.1(c)(3); and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on August 8, 2022, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Gorgonio Pass Water Agency that the Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Executive Assistant and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said amended Code shall be submitted to the Fair Political Practices Commission for approval and said Code shall become effective 30 days after its approval by the FPPC, as submitted.

APPROVED AND ADOPTED this 8th day of August, 2022.

Larry Smith, Board President
San Geronio Pass Water Agency

ATTEST:

Lance Eckhart, Secretary
San Geronio Pass Water Agency

CONFLICT OF INTEREST CODE

OF THE

SAN GORGONIO PASS

WATER AGENCY

SAN GORGONIO PASS WATER AGENCY CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes, The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an Agency's code. After public notice and hearing, Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **San Gorgonio Pass Water Agency (the "Agency")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements of economic interests with the **Executive Assistant** as the Agency's Filing Officer/Official. **The Executive Assistant** shall retain the original statements filed by all officials and designated positions and make the statements available for public inspection and reproduction during regular business hours. (Gov. Code Sec. 81008.)

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
SAN GORGONIO PASS WATER AGENCY

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18700.3(b), are NOT subject to the Agency’s Code but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)]

It has been determined that the positions listed below are Officials who manage public investments¹. These positions are listed here for informational purposes only.

Board of Directors

Chief Financial Officer

General Manager

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Executive Assistant	4
General Counsel	1, 2
Operations and Maintenance Manager	2, 3, 5
Senior Water Resources Planner	2, 3, 4

Consultants/New Positions

*Individuals providing services as a Consultant defined in Regulation 18700.3, or in a new position created since the Code was last approved that makes or participates in the making of decisions, as identified in Reg. 18734, shall disclose pursuant to the broadest disclosure requirements in the code subject to the following limitations:

The General Manager may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is 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 or new position's duties and, based upon that description, a statement of the extent of disclosure requirements (Gov. Code Sec. 82019; FPPC Regs. 18219 and 18734). The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this code. (Gov. Code Sec. 81008.)

APPENDIX PART “B”

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which the designated is assigned. “Investment” means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the Agency.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments.

Category 2: All interests in real property located in whole or in part within, or not more than two (2) miles outside, the boundaries of the Agency, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Agency.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Agency.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, that provide services, products, materials, machinery, vehicles or equipment of the type purchased or leased by the designated position's unit, division or department.

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[General Manager](#)

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DESIGNATED POSITIONS' CATEGORIES

DISCLOSURE

<u>TITLE OR FUNCTION</u>	<u>ASSIGNED</u>
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Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, that provide services, products, materials, machinery, vehicles or equipment of the type purchased or leased by the designated position's unit, division or department.