

RESOLUTION NO. 07-26-2016B

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MALAGA COUNTY WATER DISTRICT AMENDING AND
UPDATING THE CONFLICT OF INTEREST CODE FOR
THE MALAGA COUNTY WATER DISTRICT**

WHEREAS, the Political Reform Act, Section 81000, et seq., of the California Government Code requires every state or local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, Government Code ' 82011 designates the Board of Supervisors of the County of Fresno as the Code Reviewing Body for the Malaga County Water District; and

WHEREAS, on July 26, 2016, the Malaga County Water District held a duly noticed Public Hearing to review and consider amending the District's Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. ' 18730, which contains the terms of a standard Conflict of Interest Code which may be amended, from time to time, by the Fair Political Practices Commission after public notice and hearings which may be incorporated by reference by a local agency; and

WHEREAS, the Board of Directors of the Malaga County Water District hereby desires to amend and update its Conflict of Interest Code by adding a newly created position to the Designated Employees List.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Malaga County Water District as follows:

1. That the forgoing recitals are true and correct and are incorporated by this reference herein as though fully set forth at this point.
2. That the terms of Title 2, Section 18730 of the California Code of Regulations, and any amendments thereto duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference, along with a list of Designated Employees attached hereto and incorporated by this reference herein as Exhibit A., and a document entitled "Disclosure Categories" attached hereto and incorporated by this reference herein as Exhibit B, shall constitute the Conflict of Interest Code for the Malaga County Water District.
3. That Section 1020 of the Malaga County Water District Policy Manual will read as follows:

"Section 1020 - Conflict of Interest Code

1020.10: The Political Reform Act, Government Code ' 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs., Section 18730, which contains the terms of a standard conflict of interest code. Section 18730 of the Cal. Code of Regulations can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. The terms of 2 Cal. Code of Regs., Section 18730 and any amendments thereto duly adopted by the Fair Political Practices Commission are hereby incorporated by reference, a copy of which is contained in Appendix B-1, and along with the list of designated employees contained in Appendix B-2 and the list of disclosure categories which are contained in Appendix B-3 constitute the conflict of interest code for the Malaga County Water District.

1020.30: Designated employees identified in Appendix B-2 shall file a Statement of Economic Interests with the Secretary of the Malaga County Water District in accordance with 2 Cal. Code of Regs., Section 18730(b)(5).The Secretary of the District shall forward the original Statement of Economic Interests forms of the Directors and General Manager to the Clerk of the Board of Supervisors and retain copies, along with all other Statement of Economic Interests forms received, in the Districts records."

4 That this Resolution shall rescind all prior Resolutions adopting a Conflict of Interest Code and adopt this new Conflict of Interest Code for the Malaga County Water District.

5. That the Secretary of the Malaga County Water District Board of Directors shall give notice to the Fresno County Board of Supervisors, as the Code Reviewing Body, that the Malaga County Water District has determined that changed circumstances, a newly created position, necessitated a change in its Conflict of Interest Code and submit a certified copy of this Resolution containing the re-adopted Conflict of Interest Code to the Fresno County Board of Supervisors, as the Code Reviewing Body.

6. This Resolution passed and adopted this 26th day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Date: _____

Charles Garabedian, Jr., President
of the Board of Directors of the
Malaga County Water District

ATTEST:

James D. Anderson, General Manager/Secretary
to the Board of the Malaga County Water District

**EXHIBIT A
TO THE RESOLUTION OF
MALAGA COUNTY WATER DISTRICT
ADOPTING CONFLICT OF INTEREST CODE**

<u>Designated Employees</u>	<u>Disclosure Category(ies)</u>
Directors	1
General Manager	1
Contract General Counsel	1
Contract District Engineer	1
Recreation Center Director	1
*Consultant(s)	1

*Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements 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 is limited in scope and thus is not required to comply fully with the disclosure requirements 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 determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict-of-Interest Code.(Gov. Code Sec. 81008.)

EXHIBIT B

MALAGA COUNTY WATER DISTRICT CONFLICT OF INTEREST CODE

Disclosure Categories:

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license
- utility permit
- station vendor permit.

Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments and will file a Statement of Economic Interests pursuant to Government Code Section 87200. These positions are listed for informational purposes only:

- Directors
- General Manager
- Contract General Counsel
- Consultants involved in the investment of public funds

An individual 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 Government Code Section 87200.