

RESOLUTION NO. 6-13-2018-B

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MALAGA COUNTY WATER DISTRICT RESCINDING AND
RE-ADOPTING THE CONFLICT OF INTEREST CODE FOR
THE MALAGA COUNTY WATER DISTRICT**

WHEREAS, the Political Reform Act, '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 ("District"); 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 desires to as part of the required bi-annual review; make certain non-substantive amendments to the Conflict of Interest Code previously adopted by the District and approved by the County Board of Supervisors; and

WHEREAS, the Board of Directors of the Malaga County Water District does, from time to time, consider and direct the investment of public funds; and

WHEREAS, on June 12, 2018, the Malaga County Water District held a duly noticed public hearing to review and consider amending the District's conflict of interest code; and

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

1. 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.

2. The Board of Directors of the Malaga County Water District does hereby adopt the proposed Amended Conflict of Interest Code, a copy of which is attached hereto and incorporated herein by this reference and shall be on file with the Board Secretary and available to the public for inspection and copying during normal business hours.

3. Section 1020 of the District's Policy and Procedure Manual as hereby amended to read as follows:

"Section 1020 – Conflict of Interest Code

1020.10: The District shall adopt and/or renew its Conflict of Interest Code every even numbered year as necessary. A copy of the District's Conflict of Interest Code shall be kept on file with the Secretary to the Board and available for public viewing at the District office."

4. That the Secretary of Malaga County Water District Board of Directors shall submit a certified copy of this Resolution containing the conflict of interest code to the Fresno County Board of Supervisors, as the Code Reviewing Body.

5. This Resolution passed and adopted this 13th day of June 2018, by the following vote:

AYES:

NOES:

ABSENT:

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

Attest:

Norma Melendez, District Clerk,
Acting Secretary to the Board of Directors
Of the Malaga County Water District

**CONFLICT OF INTEREST CODE OF THE
MALAGA COUNTY WATER DISTRICT
(Adopted July 10, 2018)**

The Political Reform Act, '81000, et seq., of the California Government Code requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. '18730) which contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. '18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendixes designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Malaga County Water District.

The Form 700s for designated positions, other than members of the District's Governing Board and the District's General Manager, shall be filed with the District. The District's Directors and General Manager are to file their original Form 700s directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with the District and, upon receipt of these Form 700s with waivers, the District shall make and retain a copy and forward the original to the Clerk of the Supervisors.

The District shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions and shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code §81008.)

The provisions of all Conflict-of-Interest codes and amendments thereto previously adopted by the agency are hereby superseded.

**APPENDIX A
MALAGA COUNTY WATER DISTRICT
CONFLICT OF INTEREST CODE**

Public Officials Who Manage Public Investments

It has been determined that the positions listed below Manage Public Investments ***and will file a Statement of Economic Interest pursuant to Government Code Section 87200.*** These positions are listed for informational purposes only:

- Directors
- General Manager
- 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 petition is covered by Government Code Sec. 87200.

Designated Positions

<u>Designated Positions</u>	<u>Disclosure Category(ies)</u>
Contract General Counsel	1
Contract District Engineer	1
*Consultant(s) 1 New Position(s)	1

*Consultant(s) 1 New Position(s) are 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.)

**APPENDIX B
MALAGA COUNTY WATER DISTRICT
CONFLICT OF INTEREST CODE
DISCLOSURE CATEGORIES**

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.