

LEGISLATIVE VERSION
SHOWS CHANGES MADE

CONFLICT OF INTEREST CODE

OF THE

SANTA MARGARITA

WATER DISTRICT

CONFLICT OF INTEREST CODE FOR THE
SANTA MARGARITA WATER DISTRICT

(Amended November 18, 2016)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing Regulation 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 **Santa Margarita Water District** (the "**District**").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Secretary to the Board/District Clerk** as the District's Filing Officer. The **Secretary to the Board/District Clerk** shall make and retain a copy of all statements filed by Members of the Board of Directors and the General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Orange. The **Secretary to the Board/District Clerk** shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SANTA MARGARITA WATER DISTRICT

(Amended November 18, 2016)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to the District's Code, but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b) (3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Board Director

General Manager

Controller

~~Chief Financial Officer~~

Assistant General Manager-Finance

Investment Consultant

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****DESIGNATED POSITIONS'
TITLE OR FUNCTION****DISCLOSURE CATEGORIES
ASSIGNED**~~Assistant to the General Manager~~

4

Chief Engineer

2, 3, 5

Assistant Chief Engineer

2, 3, 5

Operations Business Manager

2, 3, 5

Customer Relations Manager

5

~~Electrical Superintendent/Safety Officer~~

5

External Affairs Director

5

Deputy General Manager

1, 2

~~Field~~ Operations Field Superintendent

5

Accounting Supervisor1, 2

General Counsel

1, 2

Human Resources Manager

5

~~Information Systems Coordinator~~

5

Information Technology Manager

5

Laboratory Supervisor

5

Operations Manager

2, 3, 5

~~Project Engineer, Senior~~ Senior Project Engineer

2, 3, 5

Attachment A

DESIGNATED POSITIONS' TITLE OR FUNCTION

DISCLOSURE CATEGORIES ASSIGNED

~~Public Affairs Director~~

1

Public Information Manager

5

Secretary to the Board/~~District Clerk~~

4

Senior Accountant

1

~~Senior Accountant~~/Purchasing Agent

1

Consultants and New Positions²

² Individuals providing services as a Consultant defined in Regulation 18700.3, or in a new position as defined in Regulation 18734 that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 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 Conflict of Interest Code. (Gov. Code Sec. 81008.)

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 he or she is assigned.³ "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the District.

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

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 District.

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

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)