

CENTRAL BASIN MUNICIPAL WATER DISTRICT

DECEMBER 5, 2006 - Finance/Administration
Hawkins, Apodaca

DECEMBER 19, 2006 - Board Meeting

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Submitted by: Aileen Hermoso

Approved by: Art Aguilar

ACTION CALENDAR

**RESOLUTION NO. 12-06-725 AMENDING THE
ADMINISTRATIVE CODE REGARDING CONFLICT OF INTEREST CODE**

SUMMARY:

Pursuant to state law, every two years, the Board must review their Conflict of Interest Code to ensure that the District's code accurately reflects changes in state law and properly designates officials and employees who should file statements of economic interests.

Central Basin's Conflict of Interest Code, submitted in 2004, is currently being reviewed by its code reviewing body, the State of California's Fair Political Practices Commission (FPPC), which governs conflict of interest code reporting requirements throughout the state. Central Basin is required to submit the revised code by December 31, 2006.

The attached Resolution No. 12-06-725 (see Exhibit "A") is necessary to amend the current District Administrative Code.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Finance/Administration Committee on December 5, 2006 and was recommended for approval at the December 19, 2006 Special Board meeting.

RECOMMENDED MOTION:

That the Board approves, adopts, and authorizes the President to sign Resolution No.12-06-725, "A RESOLUTION OF THE BOARD OF DIRECTORS OF CENTRAL BASIN MUNICIPAL WATER DISTRICT REPEALING RESOLUTION NO.10-02-661 AND AMENDING THE ADMINISTRATIVE CODE REGARDING CONFLICTS OF INTEREST."

LIST OF EXHIBITS:

Exhibit "A" - Central Basin Conflict of Interest Resolution No.12-06-725

Exhibit "B" - 2006 Conflict of Interest Code Changes

EXHIBIT “A”

RESOLUTION NO. 12-06-725

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
CENTRAL BASIN MUNICIPAL WATER DISTRICT
REPEALING RESOLUTION NO. 10-02-661 AND AMENDING
THE ADMINISTRATIVE CODE
REGARDING CONFLICTS OF INTEREST**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CENTRAL BASIN MUNICIPAL
WATER DISTRICT as follows:**

Section 1. Purpose.

This resolution amends the Administrative Code regarding the conflict of interest code.

Section 2. Repeal.

Resolution No. 10-02-661 is hereby repealed as it relates to Conflict of Interest.

Section 3. Amendment.

Part 4, Chapter 3, of the Administrative Code is amended to read as follows:

"Section 4-3.101 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 Cal. Code of Regulations 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing, it 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 into the conflict of interest code of the District by reference. This regulation, and the attached Exhibits designating officials and employees and establishing economic disclosure categories, shall constitute the conflict of interest code of the District.

Section 4-3.102 Disclosure Strategies

The following categories are established for the purpose of conflicts of interest disclosure:

Category 1. Persons in this category shall disclose all interests in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or

any part of it is located within or not more than two miles outside the boundaries of the jurisdiction, or within two miles of any land owned or used by the District.

Persons are not required to disclose property used primarily as their residence or for personal recreational purposes.

Category 2. Persons in this category shall disclose all investments and business positions.

Category 3. Persons in this category shall disclose all income and business positions.

Category 4. Persons in this category shall disclose all business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide, or sell service and/or supplies of a type utilized by the District and associated with the job assignment of designated positions assigned with this disclosure category.

Category 5. Individuals who perform under contract the duties of any designated position shall be required to file Statements of Economic Interest disclosing reportable interest in the categories assigned to that designated position.

Section 4-3.103 **Designated Positions**

(a) The following officers and employees shall file Statement of Economic Interests for the specified disclosure categories:

<u>Designated Employees</u>	<u>Category</u>
Directors	1, 2, 3
General Counsel	1, 2, 3
General Manager	1, 2, 3
Executive Asst. to the General Manager/Board Secretary	1, 2, 3
Deputy General Manager of Technical Operations (Add)	1, 2, 3
Deputy General Manager of External Affairs (Add)	1, 2, 3
Director of Engineering and Operations	1, 2, 3
Manager of Engineering and Operations (Add)	1, 2, 3
Manager of Water Environmental Quality	2, 3
Chief Financial Officer	2, 3
Budget and Finance Officer	1, 2, 3
Manager of Engineering	1, 4
Principal Water Resources Engineer	1, 4

Water Resources Engineer III		1, 4
Water Resources Engineer	(add)	1, 4
Manager of Public/Governmental Affairs		1, 2, 3
Human Resources Manager		4
Water Resources and Planning Manager		4
Customer Development Manager		4
Water Resources Analyst III (Recycled Water)		4
Water Resources Analyst II		4
Public Affairs Specialist III		4
Public Affairs Specialist	(add)	4
IT/Building Manager	(add)	4
Public Affairs Analyst II – Education		4
Education Manager	(add)	4
Senior Public Affairs Analyst		4
Consultants		5
Manager of Operations		1, 2, 3
Contracts Administrator		4
Human Resources Analyst		4
Sr. Environmental Quality Specialist		4
Sr. Recycled Water Program Specialist		4

(b) Consultants, within the meaning of the Political Reform Act, who participate in decisions or provide information, advice, make recommendations or counsel which could affect financial interest shall file Statements of Economic Interests for all categories. If the General Manager determines a consultant performs a range of services limited in scope and not requiring full disclosure, the General Manager shall prepare a written description of the consultant's duties and a statement of the extent of the disclosure requirements. The General Manager's determination shall be a public record.

Section 4-3.104 Filing of Disclosure Statements

(a) All officials and employees required to submit a statement of economic interests shall file their statement with the General Manager, or his or her designee. The District shall retain a copy of all statements filed by its Board Members and General Manager and forward the originals of such statements to the Fair Political Practices Commission as

required.

(b) The District shall retain the originals of statements for all other designated positions named in the conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction pursuant to Government Code section 81008.”

Section 4. Other.

Except as provided herein, Resolution No.10-02-661 of the Administrative Code is reaffirmed and readopted.

PASSED, APPROVED AND ADOPTED on this 19th day of December,2006.

President

ATTEST:

Secretary
(SEAL)

EXHIBIT “B”

CENTRAL BASIN MUNICIPAL WATER DISTRICT CONFLICT OF INTEREST CODE CHANGES

Below are the proposed changes to the list of designated employees and disclosure categories.

I. Title and Disclosure Category Changes:

1. Appropriate disclosure categories for Directors, General Counsel, General Manager, and Executive Assistant to the General Manager are 1, 2 & 3.
2. The Chief Financial Officer position title has changed to Budget and Finance Officer. Appropriate disclosure categories are 1, 2 & 3.
3. The Director of Engineering and Operations position title has changed to Deputy General Manager of Technical Operations. Appropriate disclosure categories 1, 2 & 3
4. The Manager of Operations position title has changed to Manager of Engineering and Operations. Appropriate disclosure categories are 1, 2 & 3.
5. The Sr. Recycled Water Program Specialist title has changed to Customer Development Manager. The appropriate disclosure category is 4.
6. The Manager of Public/Governmental Affairs title has changed to Deputy General Manager of External Affairs. Appropriate disclosure categories are 1, 2 & 3.
7. The Sr. Public Affairs Analyst, Public Affairs Specialist III, and Water Resources Analyst II (Conservation) position titles have changed to Public Affairs Specialist. Appropriate disclosure category is 4.
8. The Public Affairs Analyst 2 – Education title has changed to Education Manager. The appropriate disclosure category is 4.
9. The appropriate disclosure category for consultants is 5.

II. New Positions Added to List of Designated Positions:

1. The Water Resources Engineer (new position) oversees various water engineering and construction projects of the District. In addition, he/she recommends and oversees the various technical services for the District's operating water facilities and pipelines.
2. The IT and Building Manager handles the procurement and oversight for contracts related to the building and IT infrastructure.

III. Positions Deleted From the List:

1. The Manager of Environmental Quality position has been deleted due to the District's re-organization.
2. The Manager of Engineering position has been deleted due to the District's re-organization.
3. The Principal Water Resources Engineer position has been deleted due to the District's re-organization.
4. The Water Resources Engineer III position has been deleted due to the District's re-organization.
5. The Human Resources Manager position has been deleted due to the District's re-organization.
6. The Water Resources Analyst III (Recycled Water) position has been deleted due to the District's re-organization.
7. The Senior Environmental Quality Specialist position has been deleted due to the District's re-organization.
8. The Contracts Administrator position has been deleted due to the District's re-organization.
9. The Human Resources Analyst has been deleted due to the District's re-organization.