

RESOLUTION NO. 20R-20

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
ESTABLISHING AGENCY'S CONFLICT OF INTEREST CODE
(2020 BIENNIAL REVIEW – NO AMENDMENTS)**

WHEREAS, the Political Reform Act (Government Code, Section 81000 et seq. [the "Act"]) contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Bighorn-Desert View Water Agency (the "Agency") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, pursuant to Sections 87306 and 87307 of the Act, to update, biennially, the Code and the Appendix thereto by Resolution; and

WHEREAS, the Agency is not amending the existing Conflict of Interest Code adopted pursuant to Resolution No. 18R-12 but bringing the existing Code to the current date; 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 Agency's Board of Directors, the proposed amended Conflict of Interest Code was provided to each affected designated employee and publicly posted for review; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Agency's Board of Directors on August 25, 2020 at which all present were given an opportunity to be heard on the proposed new Code.

NOW, THEREFORE, the Board of Directors of the Bighorn-Desert View Water Agency does hereby resolve as follows:

Section 1: Adoption of Code

The Board of Directors does hereby adopt the proposed attached Conflict of Interest Code, a copy of which shall be kept on file with the Agency General Manager and available to the public for inspection and copying during regular business hours.

**CONFLICT OF INTEREST CODE
FOR THE
BIGHORN-DESERT VIEW WATER AGENCY**

The Political Reform Act (Act) prohibits a public official from using his or her official position to influence a governmental decision in which he or she has a financial interest. Every state and local agency must adopt a conflict of interest code that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. The individuals in the designed positions must disclose financial interests as specified in the agency's conflict of interest code.

To help identify potential conflicts of interest, the law requires public officials and employees in designated positions to report their financial interests on a form called Statement of Economic Interests using the California Fair Political Practices Commission Form 700. The conflict of interest codes and the Form 700's are fundamental tools in ensuring that officials are acting in the public's best interest.

A conflict of interest code must:

- Provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;
- Provide to each affected person a clear and specific statement of their duties under the conflict of interest code; and
- Adequately differentiate between designated employees with different powers and responsibilities.

The Conflict of Interest Code for the Bighorn-Desert View Water Agency consists of the following three components:

1. Incorporation Section (Terms of the Code) - This section designates where the Form 700's are filed and retained. This section also must reference Regulation 18730, which provides the rules for disqualification procedures, reporting financial interests, and references the current gift limit.
2. List of Designated Positions - The code must list all agency positions that involve the making or participation in making of decisions that "may foreseeably have a material effect on any financial interest." This covers agency members, officers and employees, and it may include volunteers on a committee if the members make or participate in making government decisions.
3. Detailed Disclosure Categories - A disclosure category is a description of the types of financial interests officials in one or more job classifications must disclose on their Form 700's. The categories must be tailored to the financial interests affected, and must not

require public officials to disclose private financial information that does not relate to their public employment.

It is essential and legally required that an agency's conflict of interest code reflects the current structure of the agency and properly identifies all officials and employees who should be filing a Form 700. To ensure the codes remain current and accurate, each agency is required to review its conflict of interest code at least every other year.

All conflict of interest forms will be filed with the Bighorn-Desert View Water Agency's General Manager or a designated administrative assistant.

Detailed Disclosure Categories

The following detailed disclosure categories provided in the attached Appendix, constitutes the third required component of the Bighorn-Desert View Water Agency's Conflict of Interest Code. Designated employees, whether designated under their official classification or working title, shall file statements of economic interests with the Bighorn-Desert View Water Agency who will make the statements available for public inspection and reproduction upon request, consistent with Government Code, Section 81008.

The financial disclosures required of a consultant will be determined on a case-by-case basis by the General Manager. The determination of whether a consultant has disclosure requirements will be made in writing using the latest version of the Fair Political Practices Commission Form 805, if applicable. The determination will include a description of the consultant's duties and based upon that description, a statement of the extent, if any, of the disclosure requirements. Each Form 805 is a public record and will be retained for public inspection in the same manner and location as where the Conflict of Interest is maintained for cross-referencing purposes.

Updates to the Conflict of Interest Code

The Bighorn-Desert View Water Agency will follow the most recent checklist provided by the Fair Political Practices Commission to provide regular updates to the Conflict of Interest Code when necessary.

Terms of the 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 ("FPPC") has adopted a regulation (2 Cal. Code of Regs. Sec. 18730) which 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 it may be amended by the FPPC 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 FPPC are hereby incorporated by this reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Bighorn-Desert View Water Agency.

Designated employees shall file their statements with the Bighorn-Desert View Water Agency which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.)

BIGHORN-DESERT VIEW WATER AGENCY

APPENDIX TO CONFLICT OF INTEREST CODE

Designated Positions

Consultant* (including but not limited to General Counsel, Chief Financial Officer, Agency Engineer)

Disclosure

Individuals holding Designated Positions must report the following:

Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, and interests in real property.

* The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are 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 duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Public Officials Who Manage Public Investments

The following positions are not covered by the code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

Directors
General Manager
Consultants that manage the Agency's investments

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 Section 87200.

This is the last page of the Conflict of Interest Code for the **Bighorn-Desert View Water Agency**.

CERTIFICATION OF COUNTY APPROVAL

Pursuant to Government Code Section 87303, the Conflict of Interest Code for the **Bighorn-Desert View Water Agency** was approved on _____, 2020.

By _____

COUNTY OF SAN BERNARDINO

Section 2: County Approval

The Board of Directors hereby directs the General Manager to submit this Resolution and the attached Conflict of Interest Code to the Board of Supervisors of the County of San Bernardino for approval.

Section 3: Effective Date

This Resolution and the attached Conflict of Interest Code shall become effective thirty (30) days after its approval by the Board of Supervisors of San Bernardino County.

Section 4: Rescission

The Conflict of Interest Code adopted pursuant to Resolution No. 18R-12 is hereby superseded by this Resolution and of no further force and effect.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 25th day of August 2020.

By Judy Cof-Lorono
Judy Cof-Lorono, President of the Board

Bighorn-Desert View Water Agency,

By J. Larry Coulombe
J. Larry Coulombe, Secretary



Official Seal