

SACRAMENTO GROUNDWATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : Board of Directors
Policy Title : Conflict of Interest Code
Policy Number : 200.2
Date Adopted : December 10, 1998
Date Amended : February 14, 2013

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, Section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code, which can be incorporated by reference in any agency's code. After public notice and hearing, Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of Title 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 and will be applied in accordance with the provisions existing on the date that any issue arising under this code must be addressed. This cover page, the referenced and incorporated regulation, and the attached Appendix designating positions and establishing disclosure categories, shall constitute the revised conflict of interest code of the Sacramento Groundwater Authority.

Individuals holding designated positions shall file their statements of economic interests with the Sacramento Groundwater Authority, which will make the statements available for public inspection and reproduction in accordance with Government Code Section 81008. Statements for all designated positions will be retained by the Sacramento Groundwater Authority.

Sacramento Groundwater Authority
 Conflict of Interest Code
 Appendix of Designated Employees and
 Disclosure Categories

I. Designated Positions. The positions listed below are designated as persons within the Sacramento Groundwater Authority who are deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest. Persons holding designated positions listed below will disclose interests and investments in accordance with the corresponding disclosure categories, which are defined below.

<u>Designated Positions</u>	<u>Disclosure Category</u>
Principal Project Manager	1
Senior and Associate Project Manager	1
Legal Counsel	1, 2
Consultants	1, 2

Consultants. "Consultant" means an individual who, pursuant to a contract with the Authority, either: (A) Makes a governmental decision whether to: (1) approve a rate, rule, or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the Authority to enter into, modify, or renew a contract provided it is the type of contract that requires Authority approval; (5) grant Authority approval to a contract that requires Authority approval and to which the Authority is a party, or to the specifications for such a contract; (6) grant Authority approval to a plan, design, report, study, or similar item; or (7) adopt or grant Authority approval of policies, standards, or guidelines for the Authority, or for any subdivision thereof; or (B) Serves in a staff capacity with the Authority and in that capacity participates in making a governmental decision as defined in California Code of Regulations, Title 2, section 18702.2 or performs the same or substantially all the same duties for the Authority that would otherwise be performed by an individual holding a position specified in the Authority's conflict of interest code under Government Code section 87302. (California Code of Regulations, Title 2, section 18701(a)(2).)¹

¹ A consultant serves in a staff capacity only if he or she has an on-going relationship with the Authority. A consultant who works on one project or a limited range of projects for the Authority is not deemed a consultant subject to the reporting requirements of this code unless the project or projects extend over a substantial period of time, generally more than one year. (See *Smith*

***“Consultants” are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the Authority’s conflict of interest code, subject to the following limitation: The Executive Director may determine in writing that a particular consultant, although a “consultant” and a “designated position,” nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to comply with any or some of the disclosure requirements described in this section. The Executive Director’s written determination will include a description of the consultant’s duties, and, based on that description, a statement of the extent of disclosure requirements. The written determination is a public record and will be retained for public inspection in the same manner and location as the Authority’s conflict of interest code as required by Government Code section 81008(a).

Officials Who Manage Public Investments. Officials who manage public investments are deemed to be “statutory filers” within the meaning of Government Code section 87200 and California Code of Regulations, Title 2, section 18701 because they must file statements of economic interest (FPPC Form 700) pursuant to the state Political Reform Act instead of the Authority’s conflict of interest code. As a result, such persons are not designated in this code and are listed here for information only. The Authority’s statutory filers are:

Members of the Board of Directors²
Executive Director
Finance and Administrative Services Manager /Treasurer

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.

New Position Added or New Consultant Hired Without Code Revision. If the Authority creates a new position that requires disclosure or hires a new consultant with reporting obligations without simultaneously amending this code, the employee appointed to fill such a position or the new consultant will file a Form 700 assuming office statement and thereafter file an annual Form 700 disclosure of economic interest statement using the broadest disclosure category until the Authority amends the code to designate the position. Alternatively, the Executive Director may designate for any such position or consultant narrower

Advice Letter, FPPC No. I-99-316; Travis Advice Letter, FPPC No. A-96-053; *Randolph* Advice Letter, FPPC No. A-95-045.)

² Both elected and non-elected Board members must disclose their financial interests related to their service with the Authority on a Form 700 Statement of Economic Interests, including those members who represent private contracting entities. Board members who already file a Form 700 with their home agency may, at their option, file an expanded single form with both the Authority and their home agency or file separate statements with each agency.

disclosure obligations using a FPPC Form 804 or Form 805 as appropriate. (See 2 C.C.R. section 18734.)

II. Disclosure Categories.

1. Investments and business positions in business entities, and sources of income, which provide services, supplies, materials, machinery or equipment of the type utilized by the Authority.

2. All interests in real property in the Authority. All investments and business positions in any business entity and income from any source which is (1) a private water company; or (2) an entity or person engaged in real estate development or an owner of real property.