



**Clerk of the Board
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: October 30, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Melinda Benton PHONE: 636-5000				

SUBJECT: Approval of the Eastern Tule Groundwater Sustainability Agency's Conflict of Interest Code

REQUEST(S):
That the Board of Supervisors:
Approve the new Conflict of Interest Code adopted by the following agency:

Groundwater Sustainability Agency
Eastern Tule Groundwater Sustainability Agency

SUMMARY:
The Political Reform Act, Administered by the State Fair Political Practice Commission (FPPC), requires local governmental agencies to adopt a Conflict of Interest Code.

A local government agency includes a special district of any kind, school districts, or any local board, committee, commission or agency established by State of Federal statute that has a separate legal status. Pursuant to the Act, the Tulare County Board of Supervisors is the code-reviewing body for all local government agencies whose territorial boundaries are wholly in Tulare County, and has the responsibility to see that such agencies meet conflict of interest code requirements.

A Conflict of Interest Code is designated to cover members of boards, commissions, committees, districts and similar bodies, and administrative employees that make, or participate in making government decisions. The purpose of the Code is to prevent such officials from engaging in government decision-making in which the official may have a personal financial interest. Officials

SUBJECT: Approval of the Eastern Tule Groundwater Sustainability Agency's Conflict of Interest Code
DATE: October 30, 2018

designated in an agency's code are required to file a Form 700-Statement of Economic Interests upon appointment to a designated position, upon leaving the position and on a yearly basis while performing the official functions of that position. For this reason, positions designated in the local agency's code must also be assigned a disclosure category. Disclosure categories describe the types of personal financial interests that the official must disclose in his or her Form 700-Statement of Economic Interests.

The Eastern Tule Groundwater Sustainability Agency was formed by a joint partnership agreement on December 6, 2016. It is made up of seven (7) members with jurisdiction entirely within the County. Furthermore, the County itself is a member of the agreement.

By law, the Board of Supervisors must approve all amended or new Conflict of Interest Codes. The Eastern Tule Groundwater Sustainability Agency has provided us with the necessary supporting documents so that we have been able to determine that the new code meets requirements of the Political Reform Act and can be recommended to this Board for approval. A declaration by the Executive Director of the Eastern Tule Groundwater Sustainability Agency confirming compliance with applicable requirements for adopting or amending the agency's code is attached for your review.

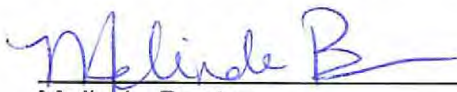
FISCAL IMPACT/FINANCING:

There is no County cost associated with this request.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The approval of the Conflict of Interest Codes helps fulfill the Organization Performance initiative by ensuring that the County and the local agencies are in compliance with the law.

ADMINISTRATIVE SIGN-OFF:



Melinda Benton
Chief Clerk

cc: County Administrative Office

Attachment(s):

Attachment A - Eastern Tule Groundwater Sustainability Agency's Conflict of Interest Code

Attachment B – Notice Regarding Changes in Designated Positions

Attachment C – Request for Approval and Declaration of Compliance

Attachment D – Organizational Chart

Attachment E- Letter from Agency's Legal Counsel

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVAL OF)
THE EASTERN TULE GROUNDWATER) Resolution No. _____
SUSTAINABILITY AGENCY'S CONFLICT)
OF INTEREST CODE)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Approved the new Conflict of Interest Code adopted by the following agency:

Groundwater Sustainability Agency
Eastern Tule Groundwater Sustainability Agency

ATTACHMENT A

CONFLICT-OF-INTEREST CODE

EASTERN TULE GROUNDWATER SUSTAINABILITY AGENCY

(Name of Agency)

The Political Reform Act (Government Code §§ 81000 *et seq.*) requires local government agencies to adopt and promulgate a conflict-of-interest code. This code is designed to ensure that board members and employees of this agency do not engage in government decision-making in which the officer or employee may have a personal financial interest. In addition, board members and decision-making employees designated in the agency's code¹ are required to file periodic public statements disclosing their personal economic interests (Form 700).²

The Fair Political Practices Commission has adopted a regulation that contains the terms of a model conflict-of-interest code. Therefore, the terms of 2 Cal. Code of Regs., Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by this reference and, together with the attached APPENDIX A (DESIGNATED POSITIONS), and APPENDIX B (DISCLOSURE CATEGORIES), constitutes the conflict-of-interest code of this agency.

Persons serving in designated positions (APPENDIX A) shall file periodic disclosure statements (Form 700) with this agency, as required by law, and pursuant to notice from this agency's filing officer. The disclosure statements shall be retained by the agency for no less than seven years, and shall be made available for public inspection and reproduction upon request.

Adopted by Agency:

Date: May 3, 2018

Approved by Tulare County Board of Supervisors:

Date: _____

MD/06242008/20081007/214248.doc

¹ Government Code section 82019

² Government Code section 87302(b)

**CONFLICT OF INTEREST CODE
FOR
EASTERN TULE GROUNDWATER SUSTAINABILITY AGENCY**

APPENDIX A - Designated Positions

<u>Position</u>	<u>Disclosure Category</u>
Members and Alternates of the Board of Directors	1, 2
Secretary	1, 2
Attorney	1, 2
Consultants/New Positions	*

Note: The position of Attorney is filled by outside consultants, but acts in staff capacity.

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Agency may determine in writing that a particular consultant or new position, 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 described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Agency'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't. C. § 81008.)

APPENDIX B (DISCLOSURE CATEGORIES)

1. Full Disclosure:

All interests in real property located entirely or partly within this Agency's jurisdiction or boundaries, or within two miles of this Agency's jurisdiction or boundaries or of any land owned or used by this Agency. Such interests include any leasehold, ownership interest or option to acquire such interest in real property.

All investments, business positions, and sources of income, including gifts, loans and travel payments.

(Intended for board members and high-level decision-making employees with broad duties)

2. Full Disclosure (excluding interests in real property):

All investments, business positions, and sources of income, including gifts, loans and travel payments.

3. Interests in Real Property (only):

All interests in real property located entirely or partly within this Agency's jurisdiction or boundaries, or within two miles of this Agency's jurisdiction or boundaries or of any land owned or used by this Agency. Such interests include any leasehold, ownership interest or option to acquire such interest in real property.

4. General Contracting (two options):

- A. All investments, business positions, and sources of income, including gifts, loans and travel payments, from sources that provide, or have provided in the last two years, leased facilities, goods, supplies, materials, equipment, vehicles, machinery, services, or the like, including training or consulting services, of the type utilized by the County.

(Intended for employees whose duties and decisions involve contracting and purchasing for the entire County)

- B. All investments, business positions, and sources of income, including gifts, loans and travel payments, from sources that provide, or have provided in the last two years, leased facilities, goods, supplies, materials, equipment, vehicles, machinery, services, or the like, including training or consulting services, of the type utilized by the employee's department or agency.

(Intended for employees whose duties and decisions involve contracting and purchasing for a specific department or agency of the County)

5. Regulatory, Permit or Licensing Duties:

All investments, business positions, and sources of income, including gifts, loans and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the employee's department or agency, or the County.

6. Grant/Service Providers/Agencies that Oversee Programs (two options):

- A. All investments, business positions, and sources of income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the specific department or agency of the County.

(Intended for employees whose duties and decisions involve awards of monies or grants to organizations or individuals)

- B. All investments, business positions, and sources of income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to offer or provide consulting, rehabilitative or educational services concerning the prevention, treatment or rehabilitation of persons.

(Intended for employees who also approves programs for rehabilitative services)

ATTACHMENT B

Conflict of Interest Code of the County of Tulare

NOTICE REGARDING CHANGES IN DESIGNATED POSITIONS AND/OR DISCLOSURE CATEGORIES

Eastern Tule Groundwater Sustainability Agency

(Name of County Department, Agency, Board or Committee)

Date: 3-8-18

To: Clerk of the Board of Supervisors

From: Sean Geivet, Secretary
(Print Name and Title of Department Head)



Signature of Department Head

This county department has reviewed the conflicts of interest code and has determined that (choose one of the following):

- There are no changes in the designated decision-making positions for this county agency, board or department.
- The following table reflects the changes in the designated decision-making positions or disclosure category for this county agency, board or department for purposes of updating the Tulare County Conflict-of-Interest Code:

PROPOSED CHANGES:		EXISTING Disclosure Category	PROPOSED Disclosure Category
1.	List EXISTING designated positions with ONLY a change in disclosure category:		
2.	List designated positions that NO LONGER EXIST and should be DELETED:		N/A
			N/A
			N/A
			N/A
3.	List new positions to be ADDED as designated positions:	N/A	
		N/A	
		N/A	
4.	List EXISTING positions that were either RENAMED or had a CHANGE IN DUTIES since July 1, 2010:		
5.	List positions that manage public investments:		
	Members and Alternates of the Board of Directors		1, 2
	Secretary		1, 2
	Attorney		1, 2

cc: Lisa Tennenbaum, Deputy County Counsel

ATTACHMENT C

**REQUEST FOR APPROVAL AND DECLARATION OF COMPLIANCE
FOR CONFLICT-OF-INTEREST CODE AMENDMENT/ADOPTION**

Eastern Tule Groundwater Sustainability Agency
(Name of agency)

TO: TULARE COUNTY BOARD OF SUPERVISORS, 2800 West Burrel Ave., Visalia, California.

I, Sean Geivet, Secretary, hereby certify that this agency adopted the attached conflict-of-interest code or amendment at a regular meeting held on MAY 3, 2018,
(Printed Name and Position) (Date)

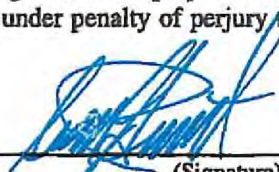
and that this agency complied with the following procedures:

1. This agency posted a NOTICE OF INTENTION TO ADOPT/AMEND A CONFLICT-OF-INTEREST CODE at least 45 days in advance of the proposed action, and a copy was provided to all employees of the agency affected by the proposed code or amendment;
2. Copies of the proposed code or amendment were made available to interested persons, and written comments concerning the proposed action were accepted. These comments (if any) are attached to this declaration;
3. A public hearing was requested: yes no
If so, a public hearing was held: yes no Inapplicable

If a hearing was held, please describe any areas of controversy and the manner of their resolution (attach additional pages if necessary):
4. A determination has been made regarding all positions within the agency involving the making or participation in the making of decisions which may foreseeably have a material effect on a financial interest of the person(s) occupying those positions, and those positions have been designated and incorporated in the agency's conflict-of-interest code as adopted or amended;
5. Appropriate *disclosure categories* have been assigned to each of those positions which identify specific types of investments, business positions, interests in real property, and sources of income of the person holding the position which may be affected materially by any decision made or participated in by persons by virtue of such positions, and those disclosure categories have been incorporated in the conflict-of-interest code as adopted or amended;
6. Attached is the most current organizational chart of the agency; and
7. Attached are job descriptions for all designated employees, or employees newly designated by an amendment.

I HEREBY REQUEST APPROVAL of the attached conflict-of-interest code or amendment thereof on behalf of this agency. I have used all reasonable diligence in the preparation of this document, and to the best of my knowledge it is true and complete. I declare under penalty of perjury that the foregoing is true and correct.

Dated 5-9-18

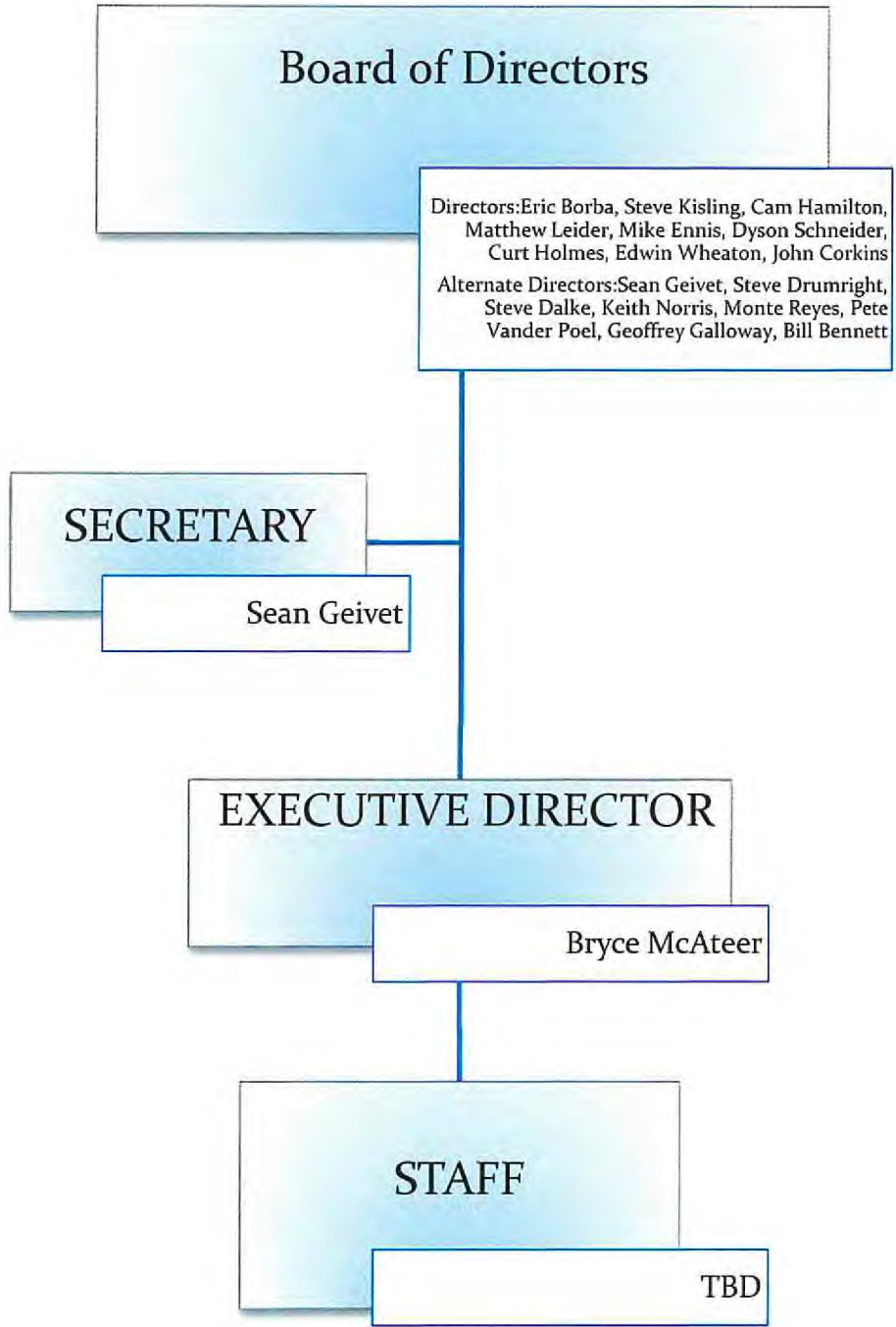


(Signature)

ATTACHMENT D



EASTERN TULE GROUNDWATER SUSTAINABILITY AGENCY ORGANIZATIONAL CHART



ATTACHMENT E



RUDELL
COCHRAN
STANTON &
BIXLER, LLP

ATTORNEYS AT LAW

Gary H. Ruddell

May 16, 2018

Richard H. Cochran

Glenn A. Stanton

VIA REGULAR MAIL

Matthew W. Bixler

Clerk of the Board of Supervisors
2800 West Burrel Avenue
Visalia, California 93291

Aubrey A. Mauritsen

Daniel L. Evans

Re: Conflict of Interest Code

Nicholas B. Buss

Dear Clerk:

On behalf of the Eastern Tule Groundwater Sustainability Agency (ETGSA), please find enclosed three copies of the board approved Conflict of Interest Code, including Appendix A and B for the Tulare County Board of Supervisors' approval. Also included is the Request for Approval and Declaration of Compliance executed by the Interim Executive Director, Sean Geivet, a copy of the Notice Regarding Changes in Designated Positions, and a copy of the Organizational Chart.

The jurisdictional boundaries of the ETGSA are located wholly within Tulare County. Pursuant to code, the draft Conflict of Interest Code was posted in three separate locations located within the Eastern Tule GSA jurisdictional boundaries for 45 days. A public hearing was not timely requested. The board approved the draft at its regularly scheduled meeting on May 3, 2018, at which time no alterations were made. As the agency is newly formed, no job descriptions exist at this time. No employees have been hired. Instead, the ETGSA staff at this time is limited to an Interim Executive Director on a contract basis. As the agency grows, it will update you with a revised Organizational Chart as needed.

1102 N. Chinowth St.
Visalia, CA 93291-4113

Telephone:
559-733-5770

Facsimile:
559-733-4922

Email:
rcsb@visaliaalaw.com

RUDELL
COCHRAN
STANTON &
BIXLER, LLP

Clerk of the Board of Supervisors
May 16, 2018
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If you require any further information, please do not hesitate to contact me.

Very truly yours,

RUDELL, COCHRAN,
STANTON & BIXLER, LLP



Aubrey A. Mauritson

AAM/do
cc: Client
cc: Denise England