



**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
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: April 9, 2019

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"/>
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 Springville Public Utility District Conflict of Interest Code

REQUEST(S):

That the Board of Supervisors:
Approve the new Conflict of Interest Code adopted by Springville Public Utility District

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 and update it from time-to-time to reflect changes in decision-making positions within the Agency. This includes newly added positions, deleted positions, or changes in the title or decision-making duties assigned to positions. This also includes changes in disclosure categories for designated positions.

In addition, a local government agency is required to conduct a review of its Conflict of Interest Code every even numbered year. 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

SUBJECT: Approval of Springville Public Utility District Conflict of Interest Code
DATE: April 9, 2019

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 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.

In July 2018, written notices were sent to all local government agencies within Tulare County of their obligation to conduct a Biennial Review of the agency's Conflict of Interest Code as required by law. By law, the Board of Supervisors must approve all amended or new Conflict of Interest Codes.

The Springville Public Utility District responded that they have adopted their respective Conflict of Interest Codes and have provided the County with the necessary supporting documents for review. These codes meet the requirements of the Political Reform Act and can be recommended to this Board for approval. Declaration by the representative of this special district confirming compliance with applicable requirements for adopting the agency's code are 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
Clerk of the Board

cc: County Administrative Office

Attachment(s) Attachment A- Springville Public Utility District Conflict of Interest Code

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

IN THE MATTER OF APPROVAL OF)
SPRINGVILLE PUBLIC UTILITY DISTRICT) Resolution No. _____
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 Springville Public Utility
District

Conflict of Interest Code of the County of Tulare

NOTICE REGARDING CHANGES IN DESIGNATED POSITIONS AND/OR DISCLOSURE CATEGORIES

Springville Public Utility District

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

Date: 3/11/2019

To: Clerk of the Board of Supervisors

From: David L. Ploneis, Board Pres.
(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 <i>ONLY</i> 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:		
	Chief Plant Operator of Record-Consultant	N/A	1,2
	O & M Supervisor-Employee	N/A	1,2
		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 of the Board of Directors		1,2
	Secretary/Treasurer		1,2
	Consultants		1,2

cc: Lisa Tennenbaum, Deputy County Counsel

CONFLICT-OF-INTEREST CODE

Springville Public Utility District

(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: March 11, 2019

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
SPRINGVILLE PUBLIC UTILITIES DISTRICT

APPENDIX A-Designated Positions

<u>Position</u>	<u>Disclosure Category</u>
Members of the Board of Directors	1, 2
Secretary/Treasurer	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

2018 CONFLICT OF INTEREST CODE 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)