



**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: September 10, 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 Cutler-Orosi Surface Water Plant Authority Conflict of Interest Code

REQUEST(S):
That the Board of Supervisors:
Approve the new Conflict of Interest Code adopted by Cutler-Orosi Surface Water Plant Authority

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

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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.

By law, the Board of Supervisors must approve all amended or new Conflict of Interest Codes.

The Cutler-Orosi Surface Water Plant Authority 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- Cutler-Orosi Surface Water Plant Authority Conflict of Interest Code

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

IN THE MATTER OF APPROVE OF)
CUTLER-OROSI SURFACE WATER PLANT) Resolution No. _____
AUTHORITY 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 Cutler-Orosi Surface Water
Plant Authority.



T: 559-372-2400
F: 559-372-2407
www.prlawcorp.com
3746 W. Mineral King Avenue, Visalia, California 93291

Via Email clerkoftheboard@co.tulare.ca.us

July 22, 2019

Tulare County Board of Supervisors
Attn: Clerk of the Board
2800 West Burrel Ave
Visalia, California 93291

Re: Cutler-Orosi Surface Water Plant Authority
Request for Approval and Declaration of Compliance
for Conflict-of-Interest Code Amendment/Adoption

Dear Clerk of the Board:

Please find enclosed an original executed Request for Approval and Declaration of Compliance for Conflict-of-Interest Code Amendment/Adoption for your review and approval regarding Cutler-Orosi Surface Water Plant Authority.

If you have any questions, please contact Mr. Koontz at (559) 372-2400.

Sincerely,

PELTZER & RICHARDSON, LC

James D. Koontz

JDK/is

Enclosure - Request for Approval and Declaration of Compliance for Conflict-of-Interest Code Amendment/Adoption

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

Cutler-Orosi Surface Water Plant Authority

(Name of agency)

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

I, James Koontz, Attorney for the Authority, hereby certify that this agency adopted the attached conflict-of-interest code or amendment at a regular meeting held on June 25, 2019,
(Printed Name and Position) (Date)

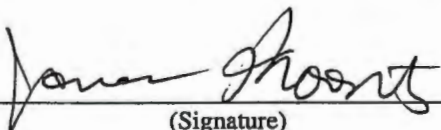
and that this agency complied with the following procedures:

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 July 19, 2019


(Signature)

Attachment 1
Request for Approval of Conflict of Interest Code Adoption
Cutler-Orosi Surface Water Plant Authority

The Cutler-Orosi Surface Water Plant Authority is a joint powers authority formed between the Cutler Public Utility District and the Orosi Public Utility District. It was formed to construct and operate a surface water treatment for the respective communities. The newly formed JPA is in the process of applying for grant funds and/or potentially loans for the construction of a treatment facility.

The Authority currently consists of a Board of Directors – six directors, three appointed by Cutler PUD and three appointed by Orosi PUD.

The Authority has no current employees.

It has contracted with an engineering firm provide advice and technical services as needed and contracted with legal counsel to provide additional consulting services for legal issues.

The conflict code will be modified to include additional positions as they are added.

Resolution No. 2019- 2

Cutler-Orosi Surface Water Plant Authority

Resolution Approving Conflict of Interest Code

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code section 81000, et seq., (the "Act") and it contains provisions relating to conflicts of interests which potentially affect all officers, employees, and consultants of the Cutler-Orosi Surface Water Plant Authority (the "Authority") and requires all public agencies to adopt a conflict of interest code; and

WHEREAS, the potential penalties for violation of the Act may include criminal liability, civil liability, as well as equitable relief which could result in the Authority being restrained or prevented from acting in instances where the provisions of the Act may have been violated; and

WHEREAS, the Board of Directors for the Authority, directed that the public be provided notice of the proposed conflict of interest code for the Authority; and

WHEREAS, a public meeting was held upon the proposed conflict of interest code at a regular meeting of the Board of Directors on June 25, 2019, at which the public was given an opportunity to be heard on the proposed conflict of interest code.

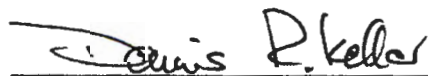
NOW THEREFORE, BE IT RESOLVED by the Cutler-Orosi Surface Water Plant Authority Board of Directors that it does hereby adopt the proposed conflict of interest code, a copy of which is attached hereto and it shall be on file with the Board Secretary and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that this conflict of interest code shall be submitted to the Tulare County Board of Supervisors for approval and the code shall become effective thirty (30) days after the Board of Supervisors approves the proposed conflict of interest code.

Approved and adopted this June 25, 2019.


Board Chairman

ATTEST:


Board Secretary

CUTLER-OROSI SURFACE WATER PLANT AUTHORITY
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 California Code of Regulations Section 18730) that 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, the standard code 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 by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Cutler-Orosi Surface Water Plant Authority ("Authority".)

Individuals holding designated positions shall file their statements of economic interests with the Board Secretary for the Authority, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). Upon receipt of the statements for the Board Members, and any other officials who manage public investments, the Board Secretary for the Authority shall make and retain copies and forward the originals to the Clerk of the Board of Supervisors for the County of Tulare. All other statements will be retained by the Authority.

Conflict of Interest Code – Cutler-Orosi Surface Water Plant Authority

**Appendix A
Designated Positions**

<u>Position</u>	<u>Disclosure Categories</u>
Engineer	1
Legal Counsel	1,2
Consultants/New Positions	*

* 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 Authority Board of Directors 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 Authority Board'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. Code Section 81008.)

Public Officials Who Manage Public Investments

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

Members and Alternates of the Board of Directors

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.

Conflict of Interest Code – Cutler-Orosi Surface Water Plant Authority

Appendix B

Disclosure Categories

1. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources of the type that provide services, supplies, materials, machinery, or equipment of the type utilized by the Authority.
2. Interests in real property located within the jurisdiction of the Authority, or within five miles of the jurisdictional boundaries of the Authority, which is the area being considered for the location of a surface water treatment plant to be built by the Authority, or within two miles of any land owned or used by the Authority.