

**RESOLUTION NO. 21-1026**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE JOSHUA BASIN WATER DISTRICT  
ADOPTING AN AMENDMENT TO THE DISTRICT'S  
CONFLICT OF INTEREST CODE**

WHEREAS, The Political Reform Act ("Act"), Government Code Section 81000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes; and

WHEREAS, the Act requires that the state and local government agencies review their Conflict of Interest Code biannually in order to ensure that it remains in conformity with the Act and to update said Code with respect to any organizational changes which have occurred in the agency since the adoption and last amendment of the Code; and

WHEREAS, the Fair Political Practices Commission ("FPPC") has adopted a regulation, 2 Cal. Code of Regs., Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference by state and local government agencies as the Conflict of Interest Code of such an agency, and which may be amended by the FPPC from time to time to conform with the amendments in the Act; and

WHEREAS, the Board of Directors has previously adopted said Standard Conflict of Interest Code; and

WHEREAS, the Board of Directors of the Joshua Basin Water District desires to amend the District's Conflict of Interest Code for the purpose of making it a more user-friendly document for filers and for the District's Filing Officer and to update and restate Appendix A thereto to reflect organizational changes of the District.

NOW THEREFORE, BE IT RESOLVED, the Board of Directors of the Joshua Basin Water District DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

1. The Board of Directors hereby ratifies and confirms the District's adoption of the Standard Conflict of Interest Code and hereby adopts and amended Conflict of Interest Code and Appendix A thereto which sets forth designated positions and disclosure categories to the District's Conflict of Interest Code, all of which is set forth in Exhibit "A" to this Resolution.
2. The Secretary of the District is hereby authorized and directed to file with the Clerk of the Board of Supervisors a copy of this Amendment and such other information as may be required by the Board of Supervisors.
3. The Secretary of the District is hereby ordered and directed to file the Amended Conflict of Interest Code in the office of the District, and to retain and incorporate same in the District's "Administrative Code".

ADOPTED, SIGNED AND APPROVED THIS 20<sup>TH</sup> DAY OF JANUARY 2021.

Ayes Doolittle, Floen, Jarkberg, Reynolds + Unger

Noes \_\_\_\_\_

Abstain \_\_\_\_\_

Absent \_\_\_\_\_

  
Rebecca Unger, President, Board of Directors

ATTEST:

  
Mark Ban, General Manager and Board Secretary

**APPENDIX A  
DESIGNATED POSITIONS**

**87200 FILERS**

Public Officials who manage public investments as defined by 2 Cal. Code of Regs. §18701(b), are NOT subject to the JBWD's Conflict of Interest Code, but must file disclosure statements under Government Code Section 87200 et seq., and are subject to full disclosure, Category 1. These positions are listed here for informational purposes only.

- Board of Directors
- General Manager

**CODE FILERS**

Public Officials filling designated positions below must file disclosure statements pursuant to the following disclosure categories.

**DESIGNATED POSITIONS  
CATEGORY**

**DISCLOSURE**

**ADMINISTRATION**

Executive Assistant

3

**FINANCE**

Director of Finance

3

**HUMAN RESOURCES**

Director of Administration

3

**OPERATIONS**

Director of Operations

3

Distribution Supervisor

3

Production Supervisor

3

**NEW POSITIONS**

1

Individuals serving in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code.

**CONSULTANTS**

SEE APPENDIX C

**APPENDIX B  
DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of economic investments that the designated position must disclose for each disclosure category to which he or she is assigned.

**Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the JBWD.**

Category	Description
1	<p><b><u>FULL DISCLOSURE:</u></b>  <b>What to report?</b> All investments and business positions in business entities, sources of income, including gifts, loans and travel payments, and interest in real property located in the JBWD.</p>
2	<p><b><u>ALL INCOME, EXCLUDING INTERESTS IN REAL PROPERTY</u></b>  <b>What to report?</b> All investments and business positions in business entities, and sources of income including gifts, loans and travel payments.</p>
3	<p><b><u>JBWD/DEPARTMENT-RELATED INCOME</u></b>  <b>What to report?</b> All investments and business position in business entities and sources of income, including gifts, loans and travel payments if the source is a type which provides, manufactures, or supplies goods, materials, equipment, machinery or services, including training or consulting services, of the type utilized by or subject to the review or approval of the JBWD or the department in which that person is employed.</p>
4	<p><b><u>JBWD/DEPARTMENT-RELATED INCOME, REAL PROPERTY</u></b>  <b>What to report?</b> All investments and business positions in business entities and sources of income including gifts, loans and travel payments, and all interest in real property, if the source is of a type which provides, manufactures, or supplies goods, materials, equipment, machinery or services, including training or consulting services, of the type utilized by or subject to the review or approval of the JBWD or the department in which that person is employed.</p>

**APPENDIX C  
CONSULTANT'S APPENDIX**

Only consultants who make a governmental decision or act in a staff capacity as defined in 2 Cal Code Regs. Section 18701, shall be subject to economic disclosure requirements.

Consultants who make governmental decisions shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The JBWD General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement to the extent of disclosure requirements. The General Manager'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.

**Designated Consultants**

**Categories  
Disclosure**

<p>Consultants who make (not just recommend) governmental decisions, such as whether to approve a rate, rule or regulation, whether to issue, deny, suspend or revoke any permit, license, application, certificate or similar authorization, adopt or grant JBWD approval to a plan, design, report, study, or adopt or grant JBWD approval of policies, standards, or guidelines for the JBWD.</p>	<p style="text-align: center;">1</p>
<p>Consultants who act in a staff capacity with the JBWD, and in that capacity perform the same or substantially all the same duties for the JBWD that would otherwise be performed by an individual holding a designated position in the JBWD's Conflict of interest Code.</p>	<p>Disclosure required at the same level as the comparable designated position identified elsewhere in this Code.</p>

**Category 1**

Designated consultants assigned to this category shall disclose:

- a. All business entities or non-profit corporations in which they are a director, officer, partner, trustee, employee or hold a position of management; interests in real property, investments; and income, including gifts, loans and travel payments.
- b. When the consultant is a corporation or partnership, only individuals from the firm that participate in JBWD decisions or act in a staff capacity must file disclosure statements.