

RESOLUTION NO. 12R-26

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY AMENDING THE AGENCY'S CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act (Government Code, Section 81000 *et seq.* [the "Act"]) contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Bighorn-Desert View Water Agency (the "Agency") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Agency's Board of Directors adopted a Conflict of Interest Code (the "Code") for the Agency which was amended on October 25, 2010, in compliance with the Act; and

WHEREAS, changed circumstances within the Agency have made it advisable and necessary, pursuant to Sections 87306 and 87307 of the Act to amend and update the Code and the Appendix thereto; and

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

WHEREAS, notice of the time and place of a public meeting on, and of consideration by, the Agency's Board of Directors, the proposed amended Conflict of Interest Code was provided to each affected designated employee and publicly posted for review; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Agency's Board of Directors on August 28, 2012, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, the Board of Directors of the Bighorn-Desert View Water Agency does hereby resolve as follows:

Section 1: Adoption of Code

The Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be kept on file with the Agency General Manager and available to the public for inspection and copying during regular business hours.

Section 2: County Approval

The Board of Directors hereby directs the General Manager to submit the amended Conflict of Interest Code to the Board of Supervisors of the County of San Bernardino for approval.

Section 3: Effective Date

The amended Conflict of Interest Code shall become effective 30 days after its approval by the Board of Supervisors of San Bernardino County.


Section 4: Rescission

The Conflict of Interest Code adopted pursuant to Resolution No. ^{10R-10}~~12R-XX~~ is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Bighorn-Desert View Water Agency held on this 28th day of August, 2012.

BIGHORN-DESERT VIEW WATER AGENCY

BY:


Michael McBride, Board President

ATTEST:

By 
David Larson, Board Secretary

CONFLICT OF INTEREST CODE
FOR THE
BIGHORN-DESERT VIEW WATER AGENCY

The Political Reform Act (Government Code Sections 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 CA. Code of Regs., Section 18730), which 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 regulation 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 Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Bighorn-Desert View Water Agency.

Designated employees shall file their statements of economic interests with the Bighorn-Desert View Water Agency, which will make the statements available for public inspection and reproduction. (Government Code Section 81008.) Statements for Directors of the Agency, and the General Manager shall be filed with the Agency, which shall reproduce and retain a copy for public inspection and reproduction, and forward the originals to the Board of Supervisors of the County of San Bernardino.

BIGHORN-DESERT VIEW WATER AGENCY

APPENDIX

Designated Positions

Consultant* (including but not limited to General Counsel, Chief Financial Officer, Agency Engineer)

Disclosure

Individuals holding Designated Positions must report the following:

Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, and interests in real property.

* The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Public Officials Who Manage Public Investments

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

Directors
General Manager
Consultants that manage the Agency's investments

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 Section 87200.

This is the last page of the Conflict of Interest Code for the **Bighorn-Desert View Water Agency**.

CERTIFICATION OF COUNTY APPROVAL

Pursuant to Government Code Section 87303, the Conflict of Interest Code for the **Bighorn-Desert View Water Agency** was approved on _____, 2012. The Code will be effective on _____, 20__.

By _____

COUNTY OF SAN BERNARDINO