



SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors

FROM: Michael Glaze, General Manager

DATE: January 28, 2010

RE: Amendment of Conflict of Interest Policy (#120)

Background:

Chapter 7 of the Political Reform Act (Government Code §87000, *et seq*) deals with conflicts of interest and requires certain state and local officials and employees to fully disclose for public review their personal assets and income. Form 700, Statement of Economic Interests, is the prescribed format for said disclosures. Chapter 7 also requires every state and local government agency to adopt a unique conflict-of-interest code listing each position within the agency occupied by individuals who make or participate in making governmental decisions that could affect their personal economic interests.

South Feather Water and Power Agency adopted such a policy (General Policy #120) in 1991, and made necessary amendments thereto in 1995 and 1996.

Issue:

Subsequent to the last amendment of Policy #120, two of the listed positions were eliminated, and several new positions were created that have responsibilities requiring decisions on behalf of the Agency that could potentially affect their personal economic interests.

Recommendation:

Amend Policy #120, "Conflict of Interest," to reflect the elimination of the Business Manager and the Water Transmission and Distribution Superintendent positions, and to add the new positions whose responsibilities subject them to the requirements of the conflict-of-interest provisions of the Political Reform Act (Finance Division Manager, Manager of Information Systems, and Regulatory and Compliance Manager).

The proposed amendments to Policy #120 are attached, with proposed additions in underlined red print and proposed deletions shown in ~~red strikethrough~~.

RECOMMENDED ACTION:

"I move approval of the amendments to Policy #120 as proposed by the General Manager."

Policy #120 – CONFLICT OF INTEREST CODE

The Political Reform Act, Government Code §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 Cal. Code of Regulations §18730 - that contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearing. Therefore, the terms of 2 Cal. Code of Regulations §18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the South Feather Water & Power Agency.

Designated employees shall file their statements of economic interests with the South Feather Water & Power Agency who will make the statements available for public inspection and reproduction (Gov. Code §81008). Statements for all designated employees will be retained by the agency.

Adopted: 1/8/91

Amended: 6/11/91; 5/23/95; 9/24/96; 2/23/10.

APPENDIX A

PART I - DESIGNATED POSITIONS

General Manager;
Finance Division Manager;
Water Division Manager;
Power Division Manager;
Manager of Information Systems;
Environmental and Safety Manager;
Regulatory Compliance Manager
Water Treatment Superintendent;
~~Water Transmission & Distribution Superintendent;~~
Warehouse Foreman;
Warehouse Technician;
Warehouse Worker;
Routine Hydro Clerk;
Attorneys;
Consultants (* see Part II - Disclosures).

PART II - DISCLOSURES

All designated positions shall report the following:

1. Investments and business positions in any business entity and sources of income listed in Appendix B are disclosable if:

- a. The business entity or business position in which the investment is held or which is the source of income is of the type which, within the last two years, has contracted with the Agency; or,
 - b. The business entity or business position in which the investment is held or which is the source of income is of the type which, within the last two years, has contracted to furnish supplies or services as subcontractors in any contract with the Agency.
2. With respect to designated positions, investments or business positions in any business entity or sources of income which are (1) private water companies or (2) entities or persons engaged in farming, real estate development or owners of real estate, and interests in real property are disclosable if held, regardless of any contractual relationship with the Agency at any time.
 3. Investments and business positions in business entities and income from sources which contract for the delivery of concessions or services on behalf of the Agency by virtue of the Agency's authority.
- Consultants shall disclose all sources of income, interests in real property and investments and business positions in business entities.

The General Manager of the Agency 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 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 locations as this conflict of interest code.

PART III -OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section §87200:

Board Members;

Treasurer;

| Business-Finance Division Manager.

APPENDIX B

All interests in real property as well as investments and business positions in business entities and income from sources which provide facilities, services, supplies, or equipment of the type utilized by the Agency, including but not limited to:

- Pipe, valves, fittings, etc.
- Pumps, motors, etc.
- Meters and other water measurement equipment
- Construction and building materials
- Engineering services, including hydrology services
- Construction contractors
- Safety equipment and facilities
- Hardware tools and supplies
- Freight and hauling
- Motor vehicles, heavy equipment, special vehicles and parts and services thereto
- Petroleum products
- Photographic services, supplies and equipment
- Janitorial services
- Water quality testing
- Pesticides and herbicides
- Communications equipment and services
- Well drilling supplies and contractors
- Electrical equipment, including pumping equipment
- Computer hardware and software
- Architectural services
- Water treatment equipment, supplies and services
- Custom farming services such as weed abatement, etc.
- Telemetry equipment
- Appraisal services
- Printing, reproduction, record keeping, etc.
- Office equipment
- Accounting services
- Real estate agents/brokers and investment firms
- Title companies
- Public utilities
- Canal and pipeline maintenance services
- Insurance companies