

CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY 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 Cal. Code Regs. § 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 Title 2 of the California Code of Regulations Section 18730 (hereinafter "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 positions and establishing disclosure categories, shall constitute the Conflict of Interest Code (hereinafter "Code") of the Carpinteria Groundwater Sustainability Agency (hereinafter "CGSA").

Designated positions in the attached Appendix 1 (referred to as "designated employees" in Title 2 of California Code of Regulations Section 18730) may file their statements online using eDisclosure, which will submit the Form 700 to the Santa Barbara County Clerk, Recorder and Assessor. Online statements will be made available for public inspection and reproduction. (Gov. Code, § 81008.)

Designated positions who file using a paper Form 700 shall file with the CGSA. Upon receipt of the statement filed by a designated position other than a Consultant, a copy shall be retained with the CGSA and the original shall be forwarded to the Santa Barbara County Clerk, Recorder and Assessor ~~(PO Box 61510, Santa Barbara, CA 93160-1510)~~. Statements filed by Consultants shall be retained by the CGSA. Paper statements will be made available for public inspection and reproduction. (Gov. Code, § 81008.)

IN PREPARING THEIR FORM 700, DESIGNATED FILERS NEED ONLY DISCLOSE THOSE FINANCIAL INTERESTS FALLING WITHIN THE DISCLOSURE CATEGORIES DESIGNATED FOR THAT FILER'S POSITION AS STATED IN APPENDIX I AND II.

APPENDIX **DESIGNATED POSITIONS AND** **DISCLOSURE CATEGORIES**

I. Designated Positions Governed by the Conflict of Interest Code ~~Assigned Disclosure Category~~

| <u>NUMBER OF POSITIONS</u> | <u>POSITION TITLE/CONSULTANT</u> | <u>DISCLOSURE CATEGORIES</u> (Appendix II) | <u>FILING OFFICER</u> |
|------------------------------------|--|---|--|
| <u>1</u> | <u>Executive Director</u> | <u>1, 2, 3</u> | <u>Santa Barbara County Clerk, Recorder and Assessor</u> |
| <u>1</u> | <u>Secretary/Treasurer</u> | <u>1, 2, 3</u> | <u>Santa Barbara County Clerk, Recorder and Assessor</u> |
| <u>1</u> | <u>Legal Counsel</u> | <u>1, 2, 3</u> | <u>Santa Barbara County Clerk, Recorder and Assessor</u> |
| | <u>Consultant/New Position¹</u> | | <u>Santa Barbara County Clerk, Recorder and Assessor</u> |

Designated employees may file their Form 700 Statements of Economic Interests online using eDisclosure, which will submit the statements to the Santa Barbara County Clerk, Recorder and Assessor. Designated employees who file using a paper Form 700 Statements of Economic Interests shall file with the CGSA. Upon receipt of the statement filed by the designated employee, a copy shall be retained with the CGSA and the original shall be forwarded to the Santa Barbara County Clerk, Recorder and Assessor. Statements will be made available for public inspection and reproduction. (See Gov. Code, § 81008.)

| | |
|---------------------|----------------|
| Executive Director | <u>1, 2, 3</u> |
| Secretary/Treasurer | <u>1, 2, 3</u> |
| Legal Counsel | <u>1, 2, 3</u> |

¹ Consultants/New Positions shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation: The CGSA 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 is thus not required to fully comply with the disclosure requirements described in this Appendix. Such written 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 the disclosure requirements. The CGSA’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.

Note: The pPositions of Executive Director and Secretary/Treasurer are currently filled by Carpinteria Valley Water District employees who act in a staff capacity for the CGSA. Additionally, the position of Legal Counsel may be filled either by (a) General Counsel for Carpinteria Valley Water District, or, alternatively, (b) another Consultant retained by the CGSA.

~~*Consultants/New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in this Code, subject to the following limitation:~~

~~The CGSA 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 with the full extent of disclosure requirements in this Code. Such written 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 CGSA's determination is a public record and shall be retained for public inspection in the same manner and location as this Code. (Gov. Code, § 81008.)~~

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Pursuant to Government Code section 87200 et seq., certain city and county officials, as well as all "other officials who manage public investments," are required to disclose their economic interests in accordance with the Political Reform Act. This Appendix provides the relevant definitions for determining which public officials qualify as "other officials who manage public investments," designates the District's positions which qualify as such, and states the Filing Officer for each designated position.

APPLICABLE DEFINITIONS

As set forth in 2 California Code of Regulations section 18701, the following definitions apply for the purposes of Government Code section 87200:

(1) "Other public officials who manage public investments" means:

(A) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;

(B) High-level officers and employees of public agencies who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and

(C) Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in subdivision (1)(B) above.

(2) "Public investments" means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.

(3) "Public moneys" means all moneys belonging to, received by, or held by, the state, or any city, county, town, district, or public agency therein, or by an officer thereof acting in his or her official capacity, and includes the proceeds of all bonds and other evidences of indebtedness, trust funds held by public pension and retirement systems, deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which a public agency is a party.

(4) "Management of public investments" means the following non-ministerial functions: directing the investment of public moneys; formulating or approving investment policies; approving or establishing guidelines for asset allocations; or approving investment transactions.

Based on the foregoing, the following District positions qualify as “other officials who manage public investments” and shall file Statements of Economic Interests (Form 700) pursuant to Government Code section 87200, *et seq.* with the below-designated Filing Officers²:

| <u>POSITION TITLE</u> | <u>FILING OFFICER</u> |
|--|--|
| <u>Members of the Board of Directors</u> | <u>Santa Barbara County Clerk, Recorder and Assessor</u> |
| <u>Alternate Members of the Board of Directors</u> | <u>Santa Barbara County Clerk, Recorder and Assessor</u> |

Public Officials Who Manage Public Investments

The following positions are not covered by this 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.

² Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by Government Code section 87200.

II. Disclosure Categories

Category 1

Investments and business positions in business entities, and any sources of income, including receipt of gifts, loans, and travel payments, if the business entities or sources of income are of the type that might provide or actually provides, leases, or contracts facilities, services, supplies, materials, machinery or equipment of the type utilized by of the CGSA.

Category 2

Interests in real property, any leasehold, beneficial or ownership interest, or option to acquire such interest in real property, located in whole or in part within the jurisdiction of the CGSA or within two miles of the CGSA jurisdictional boundaries, or within two miles of any land owned or used by the CGSA.

Category 3

Investments and business positions in business entities, and any sources of income, including receipt of gifts, loans, and travel payments, if the business entities or sources of income are known by the CGSA Committee to have filed a claim, or have a claim pending against the CGSA.