

Chapter 2.04

CONFLICT OF INTEREST CODE

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2.04.010 Purpose and citation.

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 (FPPC) has adopted 2 Cal. Code of Regs. 18730, which contains the terms of a standard conflict of interest code. Section 18730, together with any amendments hereinafter adopted by the FPPC, is hereby incorporated by reference.

2.04.020 Statement of economic interests.

District directors and designated employees shall file statements of economic interest with the Goleta Water District upon the forms provided by the FPPC in accordance with the regulations herein referred to. Designated employees are persons holding positions listed in Section 2.04.030 who make or participate in the making of decisions which may foreseeably have a material effect on economic interests. Upon receipt of the statements filed by persons holding designated positions as defined in section 2.04.030, the

Secretary shall forward a copy of each such statement to Santa Barbara clerk-recorder.

2.04.030 Designated positions.

A. Persons occupying the following designated positions must file Statements of Economic Interests on forms of the FPPC, and make those disclosures consistent with 2 Cal Code of Regs. 18730, et seq.

District Directors
General Manager
Assistant General Manager
~~Secretary~~
Executive Assistant/ Clerk of the Board
~~Treasurer~~
Attorney
Administrative Manager/CFO
Controller
Engineering & Infrastructure Manager
Operations Manager Supervisor
Treatment Supervisor
Engineering Manager Supervisor
Water Supply & Conservation Manager
~~Chief/Civil Engineer~~

Each of the above positions must make a Statement of Economic Interests for each of the Categories of Disclosure set forth in Appendix D to this Code. The Board may require different levels of disclosure for consultants and other persons employed by the District. (Ord. 2013-03)

B. Additional positions may be designated by the Board of Directors by resolution or ordinance when it has been determined that persons in these additional positions make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

2.04.040 Conflicts of Interest; governmental decisions.

No District director or person holding a designated position shall make, participate in making or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a disqualifying conflict of interest. A public official has a conflict of interest if the decision will have a

reasonably foreseeable material financial effect on one or more of his/her economic interests unless the public official can establish either (1) that the effect is indistinguishable from the effect on the public generally, or (2) a public official's participation is legally required. (Ord. 2013-04)

2.04.050 Determination of Conflict of Interest; governmental decisions.

For Sections 2.040.040 and 2.04.210, a determination of whether a conflict of interest exists shall be made through an analysis of the facts and circumstances in accordance with the provisions of 2 Cal. Code of Regs. 18700-18709, together with any amendments hereinafter adopted. (Ord. 2013-04)

2.04.110 Conflicts of Interest; contracts.

District directors, officers and employees shall comply with California Government Code Sections 1090 et seq. (Ord. 2013-04)

2.04.120 Repealed. (Ord. 2013-04)

2.04.210 Employees and consultants.

No employee or consultant of the District shall make, participate in making or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a disqualifying conflict of interest. A public official has a conflict of interest if the decision will have a reasonably foreseeable material financial effect on one or more of his/her economic interests unless the public official can establish either (1) that the effect is indistinguishable from the effect on the public generally, or (2) a public official's participation is legally required. (Ord. 2013-04)

2.04.215 Copies of statutes and regulations.

Copies of regulations and provisions of applicable statutes which are incorporated by reference shall be filed with the Secretary of the District and be maintained as an appendix

to such Code available on request. If published on the District website, an appropriate link to the applicable statute or regulation shall be provided in the text of the applicable provision but there shall be no requirement to provide a link for every such reference.

2.04.220 Penalties.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate the provisions of this Code may be fined, suspended, reprimanded or removed from office or employment.

APPENDIX D

CATEGORIES OF DISCLOSURE

CATEGORY 1

Interests in real property that are located within the jurisdiction of the District including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

CATEGORY 2

Business positions or investments in or income from persons or business entities engaged in the appraisal, acquisition or disposal of real property within the jurisdiction of the District.

CATEGORY 3

Business positions or investments in business entities or income from any sources, if the business entities or sources of income provide services, supplies, materials, machinery or equipment to or for the use of the District.

CATEGORY 4

Business positions or investments in business entities and income from any sources, if the business entities or sources of income are subject to the regulation or supervision of the District, including but not limited to, the issuance or granting of franchises or permits or land use control or regulation.

CATEGORY 5

Business positions or investments in business entities or income from any sources, if:

a) The business entities or sources of income have filed a claim or have a claim pending against the District.

b) The designated employee's duties involve the handling or processing of such claim.

For the purposes of this listing of categories of disclosure, the following terms shall have the meaning set forth herein:

“Business entity” means a commercial, for profit entity.

“Business position” means a position with a business entity. The threshold for reporting is an interest with a fair market value of \$2,000 or more or such different amount as the FPPC regulations shall specify.

“Business income” means income from a business entity in excess of \$500 annually other than income which is exempt from being reported pursuant to FPPC regulations. (Ord. 2011-02)