

DIABLO WATER DISTRICT

REGULATION NO. 102

CONFLICT OF INTEREST CODE

Section I. Political Reform Act

- A. The Political Reform Act, Government Code, Section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes.

Section II. Fair Political Practices Commission

- A. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations, Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments of the Political Reform Act. Therefore, the terms of 2 California Code of Regulations, Section 18730, and any amendments of it duly adopted by the Fair Political Practices Commission as well as all requirements of California Government Code Sections 87302, 87206, and 87207, outlined below, are hereby incorporated by reference. This statement with the attached Appendix shall constitute the Conflict of Interest Code of Diablo Water District.

Section III. Requirements

- A. The officials of the District who manage public investments are the Directors, the General Manager and the Finance & Accounting Manager. Each of them (and candidates for the office of Director) shall file statements of economic interests pursuant to Government Code, Section 87200. Upon receipt of the statements the Secretary shall make and retain a copy which shall be available for public inspection and reproduction and shall forward the original of these statements to the County of Contra Costa.
- B. Other District employees and District consultants designated in the Appendix must file statements of economic interests in the disclosure categories stated in the Appendix. These statements will be retained by the Board Secretary and shall be available for public inspection and reproduction.
- C. The first statement filed under this Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12 months before the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office disclosing investments, business positions, and interests in real property held on, and income received

during the 12 months before, the date of assuming office. Each designated employee shall file an annual statement no later than April 1 of each year disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

- D. Any person who resigns within twelve (12) months of initial appointment, or within thirty (30) days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence, any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement. Any person who resigns a position within thirty (30) days of the date of a notice from the filing officer shall do both of the following:
1. File a written resignation with the appointing power; and
 2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation

he or she did not make, participate in the making of, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

- E. No designated employee can make, participate in making, or in any way attempt to use their official position to influence the making of any governmental decision which they know or have reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of their immediate family or on:
1. Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
 2. Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
 3. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;
 4. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of

management; or

5. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
- F. No designated employee will be required to disqualify themselves with respect to any matter which could not legally be acted upon or decided without their participation.

APPENDIX

<u>Designated Positions</u>	<u>Disclosure Categories</u>
General Counsel Engineering Consultant	All sources of income, interests in real property, General Counsel investments, and business positions in business entities.
District Management – Form kept on file; not filed with State	Investments, business positions in business entities, and source of income which provide service, supplies, material, machinery or equipment of the type used by the District.
General Manager Finance & Accounting Manager	Investments, business positions in business entities, and source of income which provide service, supplies, material, machinery or equipment of the type used by the District.
Consultants	The General Manager may determine in writing that a particular consultant, although a "designated position", is engaged to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described herein. 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. 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.