

# PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM

**DATE:** October 10, 2023 **October 16, 2023**  
**TO:** BOARD OF DIRECTORS **Board Meeting**  
**FROM:** Roxanne Faber, Acting Board Secretary, PRWA  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

**RE: AGENDA ITEM NO 5.5 – ADOPTION OF RESOLUTION NO. PRWA 2023-003  
AMENDING THE CONFLICT OF INTEREST CODE FOR THE PALMDALE  
RECYCLED WATER AUTHORITY**

## **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends that the Board of Directors adopt Resolution No. PRWA 2023-003 approving the proposed code amendments and authorizing the submittal of said amendments to the County of Los Angeles Board of Supervisors for adoption.

## **Background:**

The Authority's Code was last amended by the Authority on September 21, 2016 (Resolution No. 2016-008). There were no amendments to the existing code for the 2018 or 2020 Biennial Reviews. On September 29, 2022, during the Biennial Review process, there were a few non-substantive updates that were submitted to Executive Director LaMoreaux for review and later forwarded to the County Board of Supervisors for consideration. On September 28, 2023, the proposed changes were submitted for the Authority's final review and approval. Once approved, the Proposed Code will go before the COI Review Panel on October 25, 2023, and once approved, it will be forwarded to the Los Angeles County Board of Supervisors for adoption at their November meeting.

## **Financial Impact:**

There is no fiscal impact associated with this item.

## **Supporting Documents:**

Resolution No. PRWA 2023-003  
Appendix 1 – Proposed Code  
Exhibit A – Amended Disclosure Categories  
Exhibit B – Amended Designated Positions w/ footnote

**PALMDALE RECYCLED WATER AUTHORITY  
RESOLUTION NO. PRWA 2023-003**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE PALMDALE RECYCLED WATER AUTHORITY  
AMENDING THE CONFLICT OF INTEREST CODE  
FOR THE PALMDALE RECYCLED WATER AUTHORITY**

**WHEREAS**, the Political Reform Act (“Act”), Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

**WHEREAS**, under the Act, the Authority must periodically review its internal organization to determine: (1) whether any position that has been added to the Authority constitutes a designated position under the Authority’s Conflict of Interest and Disclosure Code (“Code”); or (2) whether the duties of any existing position that is currently not a designated position have changed such that the position now constitutes a designated position under the Authority’s Code; and

**WHEREAS**, the Authority’s Code was last amended by the Authority on September 21, 2016 (Resolution No. PRWA 2016-008).

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE PALMDALE RECYCLED WATER AUTHORITY DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:**

SECTION 1. The Authority hereby adopts as its Conflict of Interest Code the terms of 2 California Code of Regulations Section 18730, and any amendments to it hereafter duly adopted by the Fair Political Practices Commission, in the form attached hereto as Appendix 1.

SECTION 2. Exhibit “A” to the Authority’s Conflict of Interest code shall set forth the disclosure categories for the Authority.

SECTION 3. Exhibit “B” to the Authority’s Conflict of Interest Code shall set forth the designated positions and applicable disclosure categories for each position of the Authority.

SECTION 4: The Executive Director or their designee is authorized to forward the Proposed Code Amendments to the Board of Supervisors for adoption.

PASSED, APPROVED, and ADOPTED this 16<sup>th</sup> day of October, 2023 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Austin Bishop, Chair

ATTEST:

\_\_\_\_\_  
Roxanne Faber,  
Acting Authority Secretary

Approved as to form:

\_\_\_\_\_  
William P. Curley, III  
Authority Counsel

**Appendix 1**

**Conflict of Interest Code**  
**of the**

**PALMDALE RECYCLED WATER AUTHORITY**

**Incorporation of FPPC Regulation 18730 (2 California Code of Regulations, Section 18730) by Reference**

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 of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it 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 into the conflict of interest code of this agency by reference. This regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this agency.

**Place of Filing of Statements of Economic Interests**

All officials and employees required to submit a statement of economic interests shall file their statements with the agency head; or his or her designee. The agency shall make and retain a copy of all statements filed by its Board of Directors and the Executive Director, and forward the originals of such statements to the Executive Office of the Board of Supervisors of Los Angeles County.

The agency shall retain the originals of statements for all other Designated Positions named in the agency's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

# PALMDALE RECYCLED WATER AUTHORITY

## EXHIBIT "A"

### **CATEGORY 1**

Persons in this category shall disclose all interest in real property within the jurisdiction of the Palmdale Recycled Water Authority. Real Property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the Palmdale Recycled Water Authority.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

### **CATEGORY 2**

Persons in this category shall disclose all investments, and all business positions.

### **CATEGORY 3**

Persons in this category shall disclose all income, (including gifts, loans and travel payments).

### **CATEGORY 4**

Persons in this category shall disclose all business positions, investments in, and income (including gifts, loans and travel payments) received from business entities that manufacture, provide or sell services and/or supplies of a type utilized by the agency and associated with the job assignment of designated positions assigned to this disclosure category.

### **CATEGORY 5**

~~Individuals who perform under contract the duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interest in the categories assigned to that designated position.~~

~~In addition, individuals who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the agency which could affect financial interest shall be required to file Statements of Economic Interests, unless they fall within the Political Reform Act's exceptions to the definition of consultant. The level of disclosure shall be as determined by the executive officer (or head) of the agency. (See footnote in Exhibit "B" for clarification.)~~

**PALMDALE RECYCLED WATER AUTHORITY**

**EXHIBIT "B"**

<b><u>Designated Positions</u></b>	<b><u>Disclosure Categories</u></b>
Board of Directors	1, 2, 3
Executive Director	1, 2, 3
Assistant Executive Director	1, 2, 3
Authority Attorney	1, 2, 3
Assistant Authority Attorney	1, 2, 3
Treasurer/Auditor	2, 3
Consultants/New Positions*	5

\*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The Executive Director or his or her designee 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 fully comply with disclosure requirements in this section. 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 Executive Director or his or her designee'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. (Gov. Code Section 81008.)

**Individuals who perform under contract the duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interest in the categories assigned to that designated position.**

**EFFECTIVE DATE:**