

BEFORE THE BOARD OF DIRECTORS  
*of the*  
MCMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY

5 day of December, 2018

PRESENT: J. Singh, M. Abercrombie, J. Rai, D. Cameron, B. Pacheco

ABSENT: Ø

**RESOLUTION NO. 2018 - 04**

**RESOLUTION OF THE MCMULLIN AREA GROUNDWATER  
SUSTAINABILITY AGENCY (AGENCY) ADOPTING A  
CONFLICT OF INTEREST CODE**

The following Resolution is hereby offered and read:

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

**WHEREAS**, the Fair Political Practices Commission has adopted a regulation, section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code, and may be incorporated by reference in an agency's code; and

**WHEREAS**, after public notice and hearing, section 18730 maybe amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act; and

**NOW, THEREFORE**, the Board of Directors of the McMullin Area Groundwater Sustainability Agency does hereby resolve, find, determine and order as follows:

1. The terms of the standard model Conflict of Interest Code adopted pursuant to 2 California Code of Regulations section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference as the Conflict of Interest Code for the Agency. This standard model Conflict of Interest Code and Attachments A, B, C, and D to this Resolution, in which members and employees are designated and disclosure categories are set forth and explained, shall constitute the Conflict of Interest Code of the Agency, and shall be applied in accordance with the provisions existing on the date that any issue arising under this code must be addressed.
2. The Form 700s for designated positions, other than the members of the Board of Directors and Alternates and Executive Director, shall be filed with the McMullin Area Groundwater Sustainability Agency. The Board of Directors and Alternates and Executive Director are to file their original Form 700s directly with the Clerk of the

Approved and/or authorized by the Board of Supervisors of the County of Fresno	
Meeting Date: <u>2/20/19</u>	Agenda Item No. <u>22</u>
By: <u>Kenneth Hancock</u>	Date: <u>2/20/19</u>
Deputy Clerk	

Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with the McMullin Area Groundwater Sustainability Agency and, upon receipt of these papers Form 700s with waivers, the McMullin Area Groundwater Sustainability Agency shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

The McMullin Area Groundwater Sustainability Agency shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions and shall make the form 700s available for public review, inspection, and reproduction. (Gov. Code § 81008.)

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the McMullin Area Groundwater Sustainability Agency are hereby superseded.

3. The Agency shall certify as to the adoption of this Resolution and cause the filing of said Conflict of Interest Code in the manner prescribed by law.

Upon motion of Director J. Singh, seconded by Director M. Abercrombie, and on the following roll call vote, to wit:

AYES: J. Bai, D. Cameron, B. Pacheco, M. Abercrombie, Singh

NOES: X

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted on the 5<sup>th</sup> day of December, 2018.

D. Cameron  
Chairperson of the Board of Directors

ATTEST:

Bhl.  
Secretary of the Board of Directors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

ROBERT E. DONLAN  
MAGSA Legal Counsel

By: Robert Donlan

## ATTACHMENT A

### CONSULTANTS

Commission Regulation § 18700 defines “consultant” as an individual who, pursuant to a contract with a state or local government agency:

- A. Makes a governmental decision whether to:
  - (i) Approve a rate, rule, or regulation;
  - (ii) Adopt or enforce a law;
  - (iii) Issue, deny, suspend, or revoke any permit license, application, certificate, approval, order, or similar authorization or entitlement;
  - (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
  - (v) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
  - (vi) Grant agency approval to a plan, design, report, study, or similar item;
  - (vii) Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or
  
- B. Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the Agency’s Conflict of Interest Code.

#### Consultant\*

Consultant shall be included in the list of designated employees and shall disclose pursuant to the broadcast disclosure category in the code subject to the following limitation:

The Executive Director 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 the section. Such written determination shall include a description of the consultant’s duties and, based upon the description, a statement of the extent of disclosure requirements. The Executive Director’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.

## ATTACHMENT B

### DISCLOSURE CATEGORIES

#### GENERAL PROVISIONS

Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated. Disclosure categories pertain to investments, real property, business positions and sources of income, including loans, gifts and travel payments from sources located in or doing business within the jurisdiction of the McMullin Area Groundwater Sustainability Agency ("Agency").

#### DISCLOSURE CATEGORIES

##### Category 1:

A designated employee in this category must report all interests in real property as well as all investments, business positions, sources of income, and gifts from any source in, or doing business in, the jurisdiction of the Agency, and all other interests, which are subject to the regulation or supervision of the Agency.

##### Category 2:

A designated employee in this category must report all interests in real property located within the Agency. Investments, business entities and income, gifts, loans and travel payments, from sources in, or doing business within the Agency which:

1. Engages in the appraisal, acquisition, disposal, development of real property, or rehabilitation or construction of improvements on real property including architects, contractors, and subcontractors.
2. Provides services, supplies, materials, machinery, or equipment of any type utilized by the Agency to which the employee is assigned.
3. Are of the type which is subject to the regulation or supervision of the Agency.

##### Category 3:

A designated employee in this category must report all interests in real property located with the Agency. Investments, business position sin business entities and income, gifts, loans and travel payments from sources in, or doing business within the Agency which:

1. Provide services, supplies, materials, machinery or equipment of any type utilized by designated filers in the Agency.
2. Are of the type which is subject to the regulation or supervision of the Agency.

**Category 4:**

A designated employee in this category must report all interests in: real property located within the Agency; investments, business positions in business entities, income, and gifts from sources in, or doing business within the Agency; and, all other interests which are subject to the regulation or supervision of the Agency.

## ATTACHMENT C

### PUBLIC OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that positions listed below manage public investments *and will file a statement of economic interests pursuant to Government Code section 87200*. These positions are listed for informational purposes only:

- None.

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.

### DESIGNATED EMPLOYEES

<u>Position Title</u>	<u>Disclosure Category</u>
Members of the Board of Directors	4
Alternate Members of the Board of Directors	4
Legal Counsel	4
Executive Director	4
Consultants	4