

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

NOTICE OF MEETING*

NOTICE IS HEREBY GIVEN that the Mound Basin Groundwater Sustainability Agency (“Agency”) Board of Directors (“Board”) will hold a **Board Meeting** at **10:00 A.M. on Thursday, September 21, 2017** at the Community Meeting Room, Ventura City Hall, 501 Poli Street, California 93001

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY BOARD OF DIRECTORS

AGENDA

Thursday, September 21, 2017

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. DIRECTOR ANNOUNCEMENTS

4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

The Board will receive public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Agency. The Board will not enter into a detailed discussion or take any action on any items presented during public comments. Such items may only be referred to the Executive Director or other staff for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on specific agenda items should do so at the time specified for those items. The presiding Chair shall limit public comments to three minutes.

5. CONSENT ITEMS

- a. Approve Minutes from August 17, 2017 Regular Meeting.**

6. ACTION ITEMS

- a. Appointment of Agricultural Stakeholder Director**

The Board will review the nomination submitted by the Mound Basin Ag Water Group (MBAWG) for James Chambers to replace Allen Camp as the Agricultural Stakeholder Director and consider appointing Mr. Chambers to the Board as the Agricultural Stakeholder Director.

- b. Election of Officers**

The Board shall consider and elect a chair and vice chair/secretary to replace the interim officers elected in June.

- c. Budget Discussion**

Staff will lead the Board in a discussion of the attached draft work plan budget framework for fiscal year 2017-2018.

** In compliance with the Americans with Disabilities Act, all possible accommodations will be made for individuals so they may attend and participate in meetings.*

d. Basin Boundary Modification

Staff will lead the Board in a discussion of the need to request a basin boundary modification for the Mound Basin from the Department of Water Resources.

e. Liability Insurance

The Board shall consider authorizing the Interim Executive Director to purchase liability insurance for the Agency.

f. Conflict of Interest Code

The Board will review and discuss the draft Conflict of Interest Code developed by Director McDermott which is included with the staff report for this agenda.

7. EXECUTIVE DIRECTOR'S REPORT

8. ADJOURNMENT

Administrative Reports relating to this agenda are available in the City of Ventura City Clerk's Office, 501 Poli St., Room 204, Ventura, during normal business hours as well as on the City of Ventura's Web Site (<https://www.cityofventura.ca.gov/1075/Water-Sources>). Materials related to an agenda item submitted to the Agency after distribution of the agenda packet are available for public review at the City Clerk's Office.

This agenda was posted before 9/18/17 at 10:00 a.m. on the City of Ventura City Hall Public Notices Board and on the Internet.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the Ventura Water Office at (805) 652-4587 or the California Relay Service at (866) 735-2929. Notification by 9/19/17, at 12:00 p.m. will enable the Agency to make reasonable arrangements for accessibility to this meeting.

**MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY
DRAFT MINUTES OF REGULAR MEETING AUGUST 17, 2017**

Directors present were: Joe McDermott, Glenn Shephard, and Mike Mobley, Allen Camp, and Conner Everts. Also present was: Interim Executive Director Jennifer Tribo. Public present were Debra Martinez and Tony Morgan.

1. CALL TO ORDER - Chair Mobley called the meeting to order at 10:31 A.M.

2. PLEDGE OF ALLEGIANCE – Led by Chair Mobley.

3. DIRECTOR ANNOUNCEMENTS

Director McDermott announced that the City of Ventura awarded a contract to Bondy Groundwater Consulting, Inc. to evaluate the feasibility of using the Mound Basin for injection of water generated from the future VenturaWaterPure Advanced Treatment, Reuse and Diversion Infrastructure Project.

4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Tony Morgan, United Water Conservation District, provided the Directors with copies of two groundwater reports related to the Mound Basin: “Hydrogeological Assessment of the Mound Basin” and “Groundwater and Surface Water Conditions Report – 2015.” Both reports are available on United’s website at <https://www.unitedwater.org/reports-5/groundwater-conditions>.

5. CONSENT ITEMS

a. Approve Minutes from June 22, 2017 Regular Meeting.

Director Shephard moved to approve the minutes from the June 22, 2017 meeting. Seconded by Director McDermott. Chair Mobley called a voice vote. Three ayes. None opposed. 2 abstentions.

b. Approve Minutes from July 20, 2017 Regular Meeting.

Director Everts moved to approve the minutes from the July 20, 2017 meeting. Seconded by Director McDermott. Chair Mobley called a voice vote. All ayes. None opposed.

6. ACTION ITEMS

a. Conflict of Interest Code

Jennifer Tribo summarized the staff report.

Director Camp expressed concerns over the requirement for all Directors to file a Form 700 disclosing all of his financial information in the Basin. His concerns were financial as well as personal. He does not wish to be a government official. The Directors discussed the options: 1) rewrite the JPA, so that the agricultural stakeholder is not a voting member or 2) solicit another candidate to replace Mr. Camp as the agricultural stakeholder directors. Generally, the Directors preferred to explore replacing Mr. Camp given the time invested in writing the JPA.

Public Comment:

Tony Morgan, United Water Conservation District, added that a Director would only have a conflict of interest if he/she received a benefit from a Board action above that of the general public.

Chair Mobley moved to table this item until the next meeting. Director Shephard seconded. Chair Mobley called a voice vote. Four ayes. None opposed. 1 abstention.

b. Budget Discussion

Jennifer Tribo summarized the staff report. The Directors discussed that they did not think it was necessary to have an ad hoc committee due to the small size of the board. Budget discussions can just take place during regular meetings. The Board directed the interim executive director to develop a draft work plan to guide the budget discussion at the September meeting.

No Public Comment.

c. Discussion of Bylaws

Jennifer Tribo summarized the staff report. Director Shephard explained that County Counsel may be able to assist in the development of the Bylaws, but they are currently determining whether or not they could do so and what the fees would be. He suggested finalizing the work plan and budget before discussing the Bylaws further.

Public Comment:

Tony Morgan, United Water Conservation District, asked whether the Agency can enter into contracts before the Bylaws are developed.

7. EXECUTIVE DIRECTOR'S REPORT

- a. Form 700 Filings** – Ms. Tribo passed out Form 700s to the Directors to fill out and return.
- b. Brown Act Guidance** – Ms. Tribo provided a Brown Act Guidance document developed by the League of California Cities to the stakeholder directors.

8. ADJOURNMENT – 11:40 A.M.

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

Item No. 6(a)

DATE: September 21, 2017
TO: Board of Directors
SUBJECT: Appointment of Agricultural Stakeholder Director

SUMMARY

Article 6 of the Joint Powers Agreement (“JPA Agreement”) provides that one Director on the Board of Directors shall be representative of agricultural stakeholders and interests (“Agricultural Stakeholder Director”) within the Mound Basin (“Basin”). This Agricultural Stakeholder Director shall meet the qualifications specified in the JPA Agreement and shall be appointed by a vote of all Member Directors.

On July 20, 2017, the Board voted unanimously to appoint Allen Camp as the Agricultural Stakeholder Director. At the August 17, 2017 Board meeting, Mr. Camp expressed his desire to resign from the Board. On August 23, 2017, the Mound Basin Ag Water Group (“MBAWG”) nominated Jim Chambers to serve as the Agricultural Stakeholder Director.

RECOMMENDED ACTION

The Board will review the nomination submitted by MBAWG for the Agricultural Stakeholder Directors and consider appointing Jim Chambers to the Board as the Agricultural Stakeholder Director.

BACKGROUND

Section 6.1 of the JPA Agreement provides that the Mound Basin Groundwater Sustainability Agency (“Agency”) shall be governed by a Board of Directors composed of five Directors, one of which shall be representative of agricultural stakeholders and interests within the Basin.

Section 6.1.2(a) of the JPA Agreement requires the Agricultural Stakeholder Director to “meet one of the following criteria: (i) own, as an individual or shareholder, trustee, limited liability company member or manager, or as a member of any other owner entity, land overlying the Basin (at least partially) that is utilized for a commercial agricultural business that produces groundwater from the Basin for its agricultural operation; or; (ii) operate a commercial agricultural business that itself produces groundwater from the Basin for its agricultural operations on land overlying the Basin and be an approved stakeholder representative by that property’s owner.”

The JPA Agreement further requires the Agricultural Stakeholder Director to be unanimously selected by the Member Directors from a list of one or more qualified nominees submitted by MBAWG, or the Farm Bureau if the MBAWG is unwilling or unable to nominate potential directors.

The Directors received a nomination for Allen Camp from MBAWG, and voted to appoint Mr. Camp to the Board at the July 20, 2017 Board meeting. Following Mr. Camp's resignation on August 17, 2017, MBAWG nominated Jim Chambers to serve as the Agricultural Stakeholder Director. Mr. Chambers' biography is attached for the Board's information.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

K.Brown___ M.Mobley___ G.Shephard___

From: [Allen Camp](#)
To: [Tribo, Jennifer](#)
Cc: [NEAL MAGUIRE](#); [Chambers, James](#)
Subject: Mound Basin Groundwater Sustainability Agency ("Agency")
Date: Monday, August 28, 2017 3:10:14 PM

Jennifer: This email confirms that on August 17, 2017 I withdrew my name from the Agency Board of Directors ("Board") and in doing so, as I understand it, such withdrawal occurred prior to being formally sworn in as an official member of same. I was to have been the agricultural stakeholder director nominated by the Mound Basin Agricultural Water Group ("MBAWG"). As a result of my withdrawal, on August 23, 2017 the board of directors of MBAWG voted to nominate Jim Chambers to serve as the agricultural stakeholder director. It is respectfully requested that the Board consider Jim Chamber's nomination at its next regularly scheduled meeting on September 21, 2017. Thank you and I apologize for any inconvenience. Allen Camp

Biography for Jim Chambers

(Nominee for Agricultural Stakeholder Director for the Mound Basin Groundwater Sustainability Agency)

Jim Chambers has been a leading sustainable custom home designer, builder, and general contractor in Southern California for over 35 years. He is known locally in San Diego for his architectural award winning homes in Del Mar, Encinitas, and Solana Beach.

Jim offers his clients renewable energy systems that incorporate water conservation technologies into multi-million dollar residential construction projects. His design and build development objectives have been to promote and incorporate renewable energy and energy efficiency in his projects.

Jim consulted in establishing some of the LEED certification criteria that is in place today for the U.S. Green Building Council. In the early 1980s' Jim was customizing passive and active solar systems for hundreds of residential units in Hemet, California.

Jim has worked extensively navigating city, county, and state agencies, working with architects, engineers, and financial professionals, in order to design and build successful custom homes, residential units, and low income housing.

Jim Chambers is married to his high school sweetheart, Jane, who is the teaching librarian for two middle schools in the Poway Unified School District.

As a managing partner of the McLoughlin Ranch Tenants in Common, Jim has worked for fifteen years directly with the farming operators to ensure the farm is beneficial to the local community and nurtures the agricultural culture of Ventura. The Mcloughlin Ranch, located on Olives Park Drive, in Ventura has been maintained by his family and flourished for 100 years.

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

Item No. 6(b)

DATE: September 21, 2017
TO: Board of Directors
SUBJECT: Appointment of Officers

SUMMARY

Article 7 of the Joint Exercise of Powers Agreement (“JPA Agreement”) states that the officers of the Agency shall be a chair and a vice chair/secretary selected from among the Directors.

RECOMMENDED ACTION

Elect chair and vice chair/secretary from the Directors.

BACKGROUND

Section 7.1 of JPA Agreement requires the Officers of the Agency to be a chair and vice chair/secretary selected from the Directors. The vice chair/secretary shall exercise all powers of the chair in the chair’s absence or inability to act.

Section 7.2 of JPA Agreement provides that officers shall be elected annually by, and serve at the pleasure of, the Board of Directors. An Officer may serve for multiple consecutive terms, with no term limit. Any Officer may resign at any time upon written notice to the Board, and may be removed and replaced by a simple majority vote of the full Board.

At its June 22, 2017 meeting, the Board elected Director Mobley to serve as the interim chair and Director McDermott to serve as the interim vice chair/secretary. The officers were elected to serve in interim positions until the stakeholder directors were elected.

FISCAL SUMMARY

There is no fiscal impact associated with this agenda item.

Action: _____

Motion: _____ 2nd: _____

K. Brown____ M. Mobley ____ G. Shephard ____ C. Everts____ J. Chambers____

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

Item No. 6(c)

DATE: September 21, 2017

TO: Board of Directors

SUBJECT: Budget Discussion

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Agency adopt a budget for the ensuing fiscal year within one hundred and twenty (120) days after the first meeting, which is October 20, 2017. At the August 17, 2017 meeting, the Board discussed the budget framework and directed staff to develop a draft work plan for FY18 to guide another budget discussion at the September Board meeting. The draft budget discussed is attached and the work plan will be provided at the meeting for discussion.

RECOMMENDED ACTION

Staff will lead the Board in a discussion of a draft work plan and the attached budget framework for fiscal year 2017-2018.

BACKGROUND

Section 14.1 of the JPA Agreement requires the Board of Directors to adopt a budget for the Agency for the ensuing fiscal year within one hundred and twenty (120) days after the first meeting, which is October 20, 2017.

At the July 20, 2017 meeting, the Board directed staff to develop a budget framework for discussion at the next meeting. At the August 17, 2017 meeting, the Board decided not to form an ad hoc committee for the development of the budget. The Board directed staff to develop a draft work plan for discussion in September.

The attached budget framework largely borrows from the budget developed by the Upper Ventura River Groundwater Agency (“UVRGA”). The Directors will need to discuss the tasks the Agency needs to complete prior to July 1, 2018 and what resources are necessary to complete those tasks. The work plan will include actions the Board may want to take in FY 2018 as it works towards the development of the GSP by 2022.

FISCAL SUMMARY

The fiscal impact of this item is the value of the final approved budget.

Action: _____

Motion: _____ 2nd: _____

K. Brown ____ M.Mobley ____ G.Shephard ____ J. Chambers ____ C.Everts ____

**MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY
FISCAL YEAR BUDGET
FY 2017/18**

DRAFT BUDGET 8/17/2017

REVENUES

BEGINNING CASH BALANCE:		
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ACCOUNT NUMBER	REVENUES	BUDGET 2017/2018	Comments
1	Contributions from Member Agencies		
TOTAL INCOME		\$0	

OPERATING EXPENSES

ACCOUNT NUMBER	OPERATING EXPENSE	BUDGET 2017/2018	Comments
Labor Costs (Book Keeper/Office Management):			Determine if Mound GSA will establish an office this fiscal year. Values will vary depending on when the office is established or when staff is hired.
1	Workers Comp	\$400	estimated \$400/year
2	Payroll/Labor	\$3,600 - 9,600	Office manager/bookkeeper/exec director (\$30-40/hr; 20 hours per month) and/or office assistant (\$15-20/hr; 20 hours per month)
3	Medical Reimbursement	\$4,000	Annual rate based on what UVRGA is providing.
Total Labor Cost:		\$8,400-14,000	
Office Costs:			
4	Rent		
5	Telephone/Internet/website		
6	Utilities		
7	Supplies	\$4,000	Start Up = \$4,000 Future Years = \$2,200
8	Postage		For outreach mailings.
9	Office Equipment	\$20,000	Computer, Microsoft Office, Accounting Program, Billing Program, Start up Year = \$10,000 is place holder # for now. \$2,500 every two years
10	Bank Charges		
Total Office Cost:		\$24,000	
Professional Services:			
11	Audits	\$3,500	Conducted by County Auditor (fee is approximately \$100/hr)
12	CPA/Treasurer	\$4,000	Oversight of finances by County Treasurer (fee is approximately \$100/hr)
13	Website Development	\$7,500	Does the Agency want a standalone website? This is what UVRGA paid for development.
14	Website maintenance	\$1,500	This is what UVRGA pays for monthly hosting fees/maintenance.
15	Public Outreach/218 publications		
16	Liability Insurance	\$2,400	Estimate based on UVRGA.
17	Professional Services, Engr, Geologist, Drafting, etc.	\$15,000	When does the Board want to start GSP development? UVRGA is spending this much on grant application. \$60/hr for writing and \$100-200/hr for geology/engineering services.
18	Routine Legal Counsel	\$20,000	\$400/hr - Agenda review and attend meetings as necessary - 4hrs per month
19	Annual Report	\$1,000	
20	Hydro Geologist	\$20,000	Advisory to Board/conduct special studies. (Equals 80-115 hours based on rates \$175-\$245/hr.)
21	DWR filing fees/etc.	\$500	
22	Special Legal Services	\$20,000	Standby line item for special legal analysis (33 hours per year at \$600/hr).
23	Review and Study of Potential Funding Options and Management	\$35,000	Based on UVRGA estimate.
24	Funding for Reserves		Need to set reserve goals.
Total Professional Services Cost:		\$130,400	

TOTAL EXPENSES \$162,800-\$168,400 \$54,266- \$56,133 Contribution per Member Agency

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

Item No. 6(d)

DATE: September 21, 2017
TO: Board of Directors
SUBJECT: Basin Boundary Modifications

SUMMARY

The Board will hear a presentation from United Water Conservation District (United) staff on their review of the need for pursuing basin boundary modification for the Mound basin.

RECOMMENDED ACTION

Approve a motion to (a) request assistance from [select one: United, County of Ventura, City of Ventura] staff to prepare a formal Basin Boundary Modification application to submit to the California Department of Water Resources, (b) consider forming an Ad Hoc Committee for Basin Boundary Modifications that will consult with staff regarding their recommended basin boundary adjustments and conduct stakeholder workshop(s), and (c) file a NOTICE OF INTENT with CA DWR of the Agency's expectation to submit a Basin Boundary Modification application.

BACKGROUND

The groundwater basins delineated by the CA DWR in Bulletin 118 and used for the establishment of the Mound Basin Groundwater Sustainability Agency (MBGSA) were established many years ago using relatively low resolution data. In the intervening time period, significant new hydrogeologic data have been developed and modern, high resolution geologic mapping and aerial photography provide an opportunity to refine the groundwater basins boundaries be better reflect real-world conditions.

For example, the boundaries of the Mound basin, Fox Canyon Groundwater Management Agency (FCGMA) and the Santa Paula basin adjudication do not align on the eastern and southern extents of the existing DWR basin delineation. In places, portions of the Santa Paula basin as defined by DWR fall outside of the boundaries of all of the adjacent entities ("white areas" or "unmanaged areas") and the Mound basin and Santa Paula basin adjudication areas overlap.

The County of Ventura has filed to be the GSA for the "white areas" to ensure all portions of the basins are contained within a GSA. The County's role as the GSA for the "white areas" is meant to be a temporary situation and ultimately the County will work with nearby GSAs to transfer management responsibilities to those agencies. The basin boundary modification effort would work to eliminate the overlaps and white area(s), as well as more precisely define the areal extent of the aquifers.

The proposed basin boundary modifications shown in the attached figures have been discussed by the Santa Paula Basin Technical Advisory Committee (TAC), FCGMA

Technical Advisory Group (TAG), and the Mound Basin JPA creation group (i.e., City of Ventura, County of Ventura, United Water Conservation District) and the decision by these groups on how to address these boundary issues was postponed until formation of the Mound Basin GSA. The boundary adjustments shown in the attached figures may not be the only adjustments ultimately identified for modification.

TIMELINE

Local agencies intending to submit a Basin Boundary modification request are required to submit an “Initial Notification” of their intent within 15 days of local agency's decision to explore basin modification. Initial Notifications can be submitted and viewed at <http://sgma.water.ca.gov/basinmod/>

- January 1, 2018 – Submission Period opens
 - During this 3 month window, GSAs and local agencies can submit the required information to support a Basin Boundary Modification in the BBMRS on the SGMA Portal <http://sgma.water.ca.gov/portal/#intro>.
- March 31, 2018 – Submission Period Closes and 30-day Public Comment Period opens
 - All information to support a boundary modification should be submitted to the BBMRS
- April 30, 2018 – Public Comment Period Closes
 - DWR begins processing boundary modification requests and public comments
- Approximately July 2018 – Draft Basin Boundary Modifications released
- Approximately August 2018 – Final Basin Boundary Modifications released

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

K.Brown____ M.Mobley____ G.Shephard____ J. Chambers____ C.Everts____

Figure 1 – Basin Boundaries and Agency Boundaries

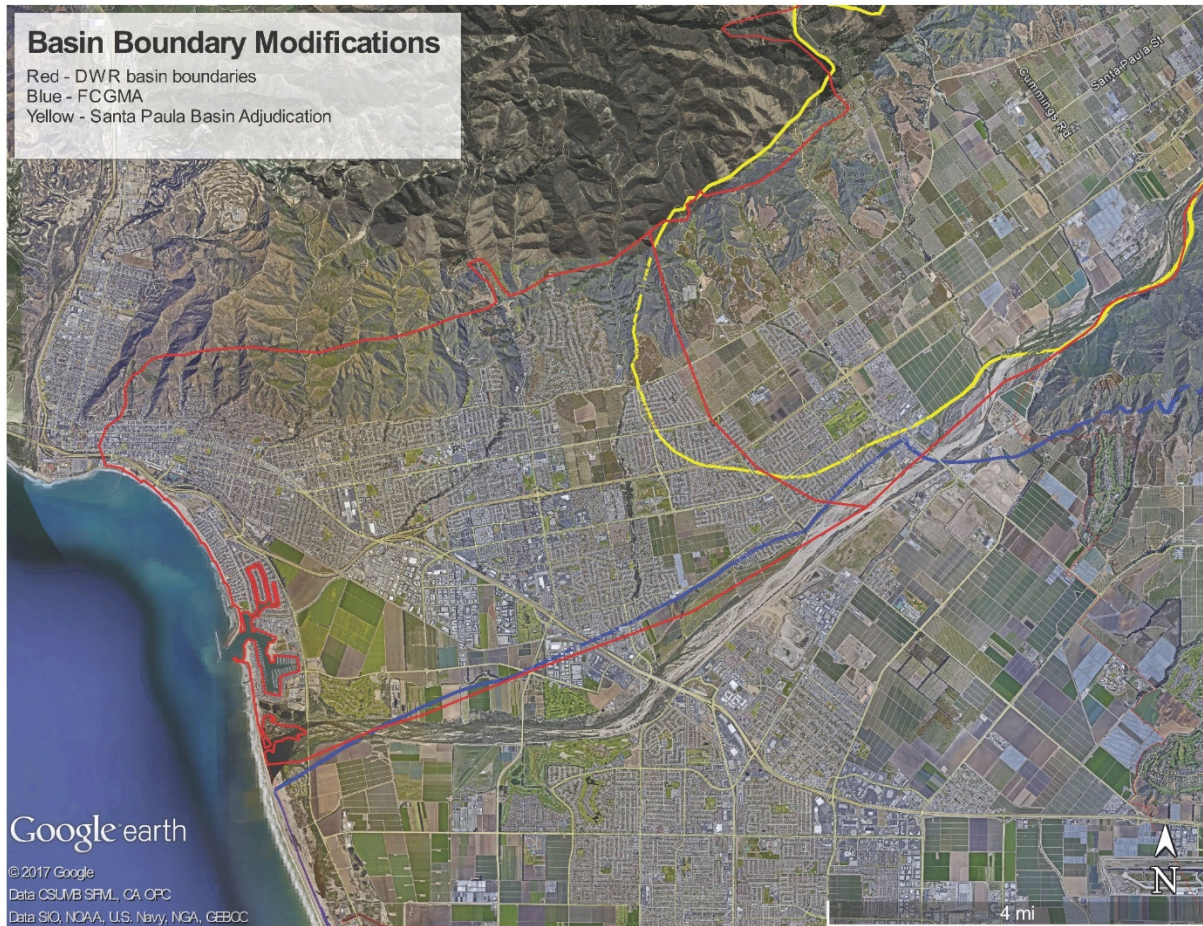
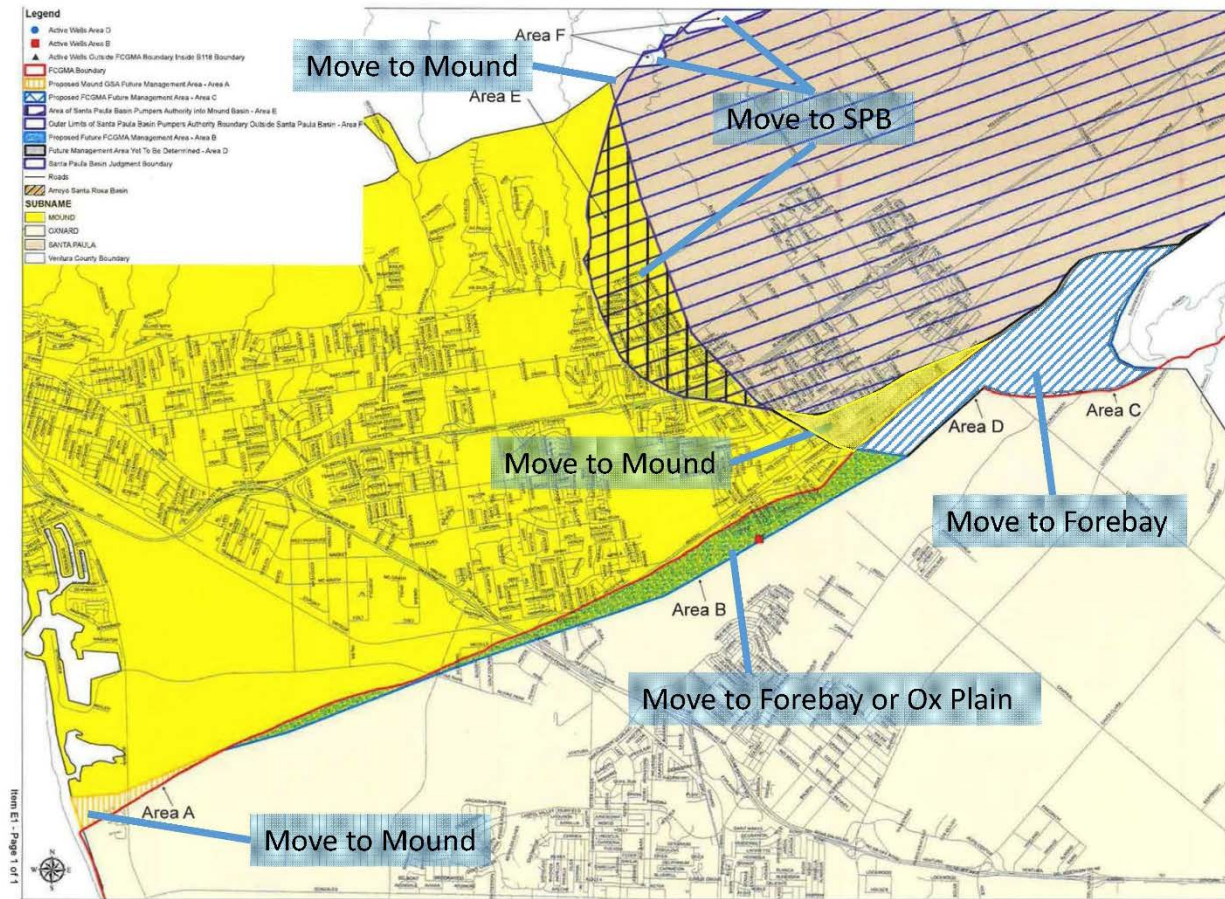


Figure 2 – Proposed Basin Boundary Adjustments on Eastern and Southern Portions of Mound Basin



MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

Item No. 6(e)

DATE: September 21, 2017

TO: Board of Directors

SUBJECT: Liability Insurance

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Agency obtain liability insurance to cover the activities of the Agency’s Directors and staff in the ordinary course of their duties. Staff will review the costs and options for insurance at the meeting.

RECOMMENDED ACTION

The Board shall consider authorizing the Interim Executive Director to purchase liability insurance for the Agency.

BACKGROUND

Section 15.5 of the JPA Agreement requires the Agency to obtain liability insurance. “The Board of Directors shall obtain, and maintain in effect, appropriate liability insurance to cover the activities of the Authority’s Directors and staff in the ordinary course of their duties.”

FISCAL SUMMARY

The fiscal impact of this item is the value of the final approved budget.

Action: _____

Motion: _____ 2nd: _____

K. Brown ____ M.Mobley ____ G.Shephard ____ J. Chambers ____ C.Everts ____

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

Item No. 6(f)

DATE: September 21, 2017
TO: Board of Directors
SUBJECT: Conflict of Interest Code

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Agency adopt a local conflict of interest code pursuant to the schedule and provisions described below. Director McDermott has drafted the attached Conflict of Interest Code for the Board’s review and approval.

RECOMMENDED ACTION

Adopt the Conflict of Interest Code (attached).

BACKGROUND

Section 8.5 of the JPA Agreement requires the Board of Directors to adopt a local conflict of interest code pursuant to the provisions of the Political Reform Act of 1974 (Government Code sections 81000, et seq.).

At the July 20, 2017 meeting, Director McDermott volunteered to draft a Conflict of Interest Code for the Board’s consideration since he had just completed a similar effort for another Groundwater Sustainability Agency. The proposed Conflict of Interest Code is attached for the Board’s review and approval.

On July 20, 2017, the Interim Executive Director received the attached letter from the Clerk of the Board of Supervisors for Ventura County notifying the Agency that it must submit a proposed conflict of interest code to the Ventura County Board of Supervisors for review no later than December 6, 2017.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

K. Brown____ M.Mobley____ G.Shephard____ J.Chambers____ C.Everts____

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BOARD OF DIRECTORS

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 2017-02

**A RESOLUTION OF THE MOUND BASIN GROUNDWATER SUSTAINABILITY
AGENCY (AGENCY) ADOPTING A CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code §81000 *et seq.* requires every state and local government agency to adopt and promulgate a Conflict of Interest Code pursuant to Government Code §87300; and,

WHEREAS, the Fair Political Practices Commission (“FPPC”) has adopted a regulation which contains terms of a standard model Conflict of Interest Code (2 California Code of Regulations §18730), which is attached hereto as Attachment A, and will be amended to conform to amendments in the Political Reform Act after public notice and hearing conducted by the FPPC; and,

WHEREAS, the standard model Conflict of Interest Code will help ensure compliance by the Agency with the Political Reform Act.

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

Section 1: The terms of the standard model Conflict of Interest Code adopted pursuant to 2 California Code of Regulations §18730, a copy of which is attached hereto as Attachment A, and any amendments to it duly adopted by the FPPC is hereby adopted and incorporated by reference as the Conflict of Interest Code for the Agency. This standard model Conflict of Interest Code and Attachments 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.

Section 2: Employees designated in Attachment D hereto shall file statements of economic interests (Form 700) with the Agency Secretary pursuant to this Resolution. The Chair, Vice-Chair, Members of the Board of Directors, Alternate Directors, the Executive Director, Agency General Counsel, and Treasurer of the Agency shall file a Form 700 statement pursuant to State law (Government Code § 87200 *et seq.*) with the Agency Secretary who shall forward a copy of the statement to the FPPC. The Mound Basin Groundwater Sustainability Agency Secretary shall be responsible for the retention of a copy of all statements of economic interests and make them available for public inspection and reproduction (Government Code §81008).

Section 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.

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PASSED, APPROVED, AND ADOPTED this 21st day of September, 2017.

Michael Mobley, Board Chair

ATTEST:

Jennifer Tribo
Interim Executive Director

ATTACHMENT A

CONFLICT OF INTEREST CODE MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

TITLE 2. ADMINISTRATION DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION CHAPTER 7. CONFLICTS OF INTEREST

ARTICLE 2. DISCLOSURE

2 CCR §18730

§18730. Provisions of Conflict of Interest Codes

- (a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Attachments referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section §87300 or the amendment of a conflict of interest code within the meaning of Government Code Section §87307 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections §81000, *et seq.* The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section §87100, and to other state or local laws pertaining to conflicts of interest.
- (b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

- (1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. of Regs. Sections §18110, *et seq.*), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

- (2) Section 2. Designated Employees.

The persons holding positions listed in Attachment D are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

- (3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section §87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections §87200, *et seq.*

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code section §87200; and
- (C) The filing officer is the same for both agencies.¹
Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Attachment C specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Attachment D. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

- (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- (B) Assuming Office Statements. All persons assuming designated positions after the

effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

- (C) Annual Statements. All designated employees shall file statements no later than April 1.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.
- (E) Reports for military service as defined in the Service member's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 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.

- (A) Any person who resigns a position within 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, 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.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

- (A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure.

When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the

business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal during Reporting Period.

In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section §89501 shall apply to the prohibitions in this section.

This Section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section §89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$290.

- (A) No member of a state board or commission, and no designated employee of the state or local government agency, shall accept gifts with a total value of more than \$290 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code Section §89503 shall apply to the prohibitions in this Section.

(8.2) Section 8.2. Loans to Public Officials.

- (A) No elected officer of a state or local government agency shall, from this date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member or consultant of the state or local government agency in which the elected officer holds office over which the elected officer's agency has direction and control.

- (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (E) This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office.
 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 3. Loans from a person which, in the aggregate, do not exceed two hundred fifty dollars (\$250) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of \$100 or more was made on the loan.

- c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has 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 his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
- (C) 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 two hundred fifty dollars \$250 or more in value provided to, received by or

promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$290 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of

other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections §81000-§91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section §87100 or §87450 has occurred may be set aside as void pursuant to Government Code Section §91003. A violation of this Code may result in discipline under the Authority's Personnel Rules. Such discipline may include discharge.

ENDNOTES

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section §81004.

² See Government Code Section §81010 and 2 Cal. Code of Regs. Section §18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Government Code Section §83112. Reference: Sections §87103(e), §87300-§87302, §89501, §89502 and §89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).

16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of History 24 (Register 2003, No. 12).
26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative

Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations.

Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

This database is current through 3/10/17 Register 2017, No. 10
2 CCR § 18730, 2 CA ADC § 18730

ATTACHMENT B

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 C

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 Mound Basin Groundwater Sustainability Agency ("Agency").

DISCLOSURE CATEGORIES

Category 1:

A designated employee in this category must report all interests in real property as well as 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 positions in 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 within the Agency. Investments, business positions in 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 D
DESIGNATED EMPLOYEES

POSITIONS TITLES	DISCLOSURE CATEGORY
Assistant General Counsel	4
Assistant Executive Director	4
Assistant Secretary	1
Consultants that will make or participate in making governmental decisions on behalf of the Agency	4*

*Disclosure Category 4 shall generally apply; however, the Executive Director, after consultation with the Agency General Counsel, shall designate the disclosure category for each consultant subject to this Code. If a consultant is performing duties the same as an “employee” the consultant will be assigned the same reporting category. See Attachment B for the consultant definition.