

RESOLUTION NO. 2022-15

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
IRVINE RANCH WATER DISTRICT RESCINDING RESOLUTION NO. 2020-20 AND
ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE DISTRICT

In accordance with the provisions of Section 18730 of the regulations of the Fair Political Practices Commission (“FPPC”), contained in California Administrative Code Title 2, Section 18109, et seq., the Board of Directors of the Irvine Ranch Water District has adopted and amended from time to time a Conflict of Interest Code; and

The District’s Conflict of Interest Code contains the list of designated persons who must disclose certain categories of economic interests under the code. Additionally, the Conflict of Interest Code defines the types of economic interests that must be reported by designated person in the various reporting categories specified the Conflict of Interest Code; and

The Political Reform Act requires that every local agency review its conflict of interest code biennially and update it, if necessary. The District has reviewed its Conflict of Interest Code biennially to determine if an update is needed; and

By adoption of Resolution No. 2020-20 on November 9, 2020, this Board revised and readopted the District’s current Conflict of Interest Code; and

The District’s Conflict of Interest Code now needs to be updated so that the code appropriately designates those persons that make or participate in the making of decisions at IRWD, as defined by FPPC, and should be filing “Statements of Economic Interests” (i.e., FPPC Form 700). The revisions to the code include adding new positions, deleting positions that do not make or participate in the making of government decisions, and revising titles of existing positions;

NOW, THEREFORE, the Board of Directors of the Irvine Ranch Water District DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Resolution No. 2020-20 is rescinded in its entirety, effective upon approval of the “Conflict of Interest Code for the Irvine Ranch Water District,” which is included in Appendix “A” of this resolution, by the Orange County Board of Supervisors.

Section 2. The District Secretary is hereby authorized to file Appendix “A” and the other required documentation with the Orange County Board of Supervisors to request approval of the District’s Conflict of Interest Code, as proposed to be amended.

ADOPTED, SIGNED and APPROVED this 14th day of November, 2022.

President, IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

Secretary, IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

APPROVED AS TO FORM:
HANSON BRIDGETT LLP

Legal Counsel

Signed document dated November 14, 2022 is on file at the District office.

Appendix “A”

CONFLICT OF INTEREST CODE FOR THE IRVINE RANCH WATER DISTRICT

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency’s code. After public notice and hearing, the standard code may be amended by the FPPC 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 FPPC are hereby incorporated by reference. This regulation and Appendix “A-1” and “A-2”, designating positions and establishing disclosure categories, shall constitute the Conflict of Interest code of the Irvine Ranch Water District (“District”).

Individuals holding designated positions shall file their statements of economic interests with the District Secretary, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). Upon receipt of the statements for the members of the Board of Directors and the General Manager, the District Secretary shall make and retain copies and forward the originals to the Clerk of the Board for the Orange County Board of Supervisors. All other statements will be retained by the District Secretary.

APPENDIX “A-1”

DESIGNATED PERSONS FOR DISCLOSURE PURPOSES
PURSUANT TO THE CONFLICT OF INTEREST CODE FOR
IRVINE RANCH WATER DISTRICT

The persons occupying the following positions are “Designated Persons” because the positions they hold are positions within the District that involve the making of, or participate in the making of, District decisions which may foreseeably have a material financial effect on financial interests pursuant to the Political Reform Act, Government Code Section 87302, et seq.¹

Pursuant to Government Code Section 87302, an investment, business position, interest in real property, or source of income held by the Designated Person is reportable if he or she by virtue of his or her position with the District makes or participates in the making of any decision that may foreseeably affect the business entity in which the investment or business position is held, the interest in real property, or the income or source of income.

District personnel “make a governmental decision” when he or she, acting within the authority of his or her office or position, authorizes or directs any action, votes, appoints a person, obligates or commits the District to any course of action, or enters into any contractual agreement on behalf of the District.

District personnel “participate in a governmental decision” when he or she, acting within the authority of his or her position, provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.

Designated Persons must disclose the economic interests defined in the disclosure categories defined in Appendix “A-2” of this code, using the Form 700 schedules listed in the table below:

<u>Designated Persons</u>	<u>Disclosure Categories</u>	<u>Schedules Associated</u>
<p style="text-align: center;"><u>Group I</u></p> Assistant District Secretary Controller District Secretary Executive Director General Legal Counsel General Manager Deputy General Counsel Members, Board of Directors Treasurer/Director of Risk Management Treasury Analyst Treasury Manager	1-A, 2 and 3	All
<p style="text-align: center;"><u>Group II</u></p> Manager of Risk & Contracts Administration Manager of Strategic Planning and Analysis Engineering Manager	1-B, 6, and 7	All

¹ The persons holding the following positions are “public officials who manage public investments” within the meaning of that term as used in Government Code Section 87200 and are required to make full disclosure of all economic interests as required in Form 700: members of the Board of Directors, General Manager, Executive Director of Finance, Controller, Treasurer, and Treasury Manager.

<p style="text-align: center;"><u>Group III</u></p> <p>Director ² Manager ³</p>	<p>6 and 7</p>	<p>A-1, A-2, C, D and E</p>
<p style="text-align: center;"><u>Group IV</u></p> <p>Senior Executive Assistant Assistant Engineer Associate Engineer Automation Supervisor Collection Systems Supervisor Construction Inspection Supervisor Construction Inspector Cross Connection Supervisor Electrical & Instrumentation Supervisor Engineer Environmental Compliance Analyst Executive Assistant Facilities Services Supervisor Fleet Supervisor Landscape Contracts Administrator Management Analyst Mechanical Services Supervisor Operations Supervisor Recycled Water Project Specialist Senior Construction Inspector Senior Energy & Water Resource Planner Senior Engineer Senior Human Resources Analyst Senior Water Efficiency Analyst Water Maintenance Supervisor Water Resources Planner Water Efficiency Analyst Water Efficiency Supervisor</p>	<p>6</p>	<p>D, E</p>
<p style="text-align: center;"><u>Group VI</u></p> <p>Engineering Consultants ⁴</p>	<p>1-B, 4 and 5</p>	<p>All</p>
<p style="text-align: center;"><u>Group V</u></p> <p>Financial Consultants ⁴</p>	<p>4 and 5</p>	<p>A-1, A-2, C, D and E</p>

² District personnel that hold a “director” position should consider themselves in Group III unless their position is specifically list in Groups I or II.

³ District personnel that hold a “manager” position should consider themselves in Group II unless their position is specifically list in Groups I or II.

⁴Consultants are included in the list of DESIGNATED PERSONS and must disclose pursuant to the disclosure categories specified, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a “designated person,” is hired to perform a range of duties that is limited in scope and thus that particular consultant is not required to fully comply with the disclosure requirements described in the Code. Such written determination must 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 must be retained for public inspection in the same manner and location as this Conflict of Interest Code.

APPENDIX “A-2”

ECONOMIC INTERESTS THAT MUST BE REPORTED PURSUANT TO CONFLICT OF INTEREST CODE

Category 1-A: **Reportable Interests in real property** within Orange County, California and within 2 miles of District-owned property outside of Orange County, California.

Category 1-B: **Reportable Interests in real property** within the District or within 2 miles from the jurisdictional boundaries of the District.

Category 2: **Reportable Interests in Suppliers**

Investments in or income, loans, gifts or travel payments from sources or business entities that could foreseeably (a) initiate an application, claim, appeal or request for action by IRWD; (b) bid on or enter into a written contract with IRWD; (c) seek a permit, license, variance or other entitlement from IRWD; (d) be subject to any inspection or regulatory action by IRWD; or (e) that manufacture, distribute, lease, retail, or sell items which are, which have been, or foreseeably could be utilized or procured by IRWD, including, but not limited to, any of the following:

1. Office equipment and supplies
2. Computer hardware and software
3. Printing, reproduction or photographic equipment or supplies
4. Periodicals, books, newspapers
5. Chemicals
6. Petroleum products
7. Motor vehicles and specialty vehicles, parts and supplies
8. Construction and maintenance equipment and supplies
9. Safety equipment and supplies
10. Food supplies
11. Water quality equipment and supplies
12. Cathodic protection equipment and supplies
13. Educational equipment and supplies
14. Medical supplies and informational materials
15. Landscape supplies
16. Pipes, valves, fittings, pumps, meters and similar items

Category 3: **Reportable Interests in Contractors/Consultants**

Investments in or income, loans, gifts or travel payments from sources or business entities which could foreseeably (a) initiate an application, claim, appeal or request for action by IRWD; (b) seek a permit, license, variance or other entitlement from IRWD; (c) be subject to any inspection or regulatory action by IRWD; or (d) bid for, contract or subcontract for, or consult in, the performance of work or services which are, which have

been or which foreseeably could be utilized or procured by IRWD, including, but not limited to, work or services related to any of the following:

1. Public utilities
2. Financial audit and accounting services
3. Insurance services
4. Construction and maintenance services
5. Transportation and lodging services
6. Security services
7. Banking, savings and loan services
8. Food services
9. Communication services
10. Water quality testing
11. Cathodic protection services
12. Engineering, architectural and construction inspection services
13. Employment and temporary help services
14. Educational and medical services
15. Landscape and topographical services
16. Equipment rentals or servicing
17. Real estate, appraisal and investment services
18. Consulting services in: legal, energy and power, soils testing, water treatment, data processing, computers, labor relations, employee training, advertising, design, audio visual, movie production, planning, water pricing and demand, economics, desalting, or environmental analysis
19. Printing and reproduction services

Category 4: Reportable Consultants/Contractors Interests in Suppliers

Investments in or income, loans, gifts or travel payments from sources or business entities that manufacture, distribute, lease, retail, or sell items which are or which foreseeably could be recommended or suggested by you in your capacity as a consultant to IRWD, including, but not limited to, the items listed under Category 2.

Category 5: Reportable Consultants/Contractors Interests in Third-Party Consultants/Contractors

Investments in or income, loans, gifts or travel payments from sources or business entities or business entities which bid for, contract or subcontract for, or consult in, the performance of work or services which are or which foreseeably could be recommended or suggested by you in your capacity as a consultant to IRWD, including, but not limited to, the items listed under Category 3.

Category 6: Reportable Loans, Gifts and Travel Payments

Loans, gifts and travel payments from sources or business entities that could foreseeably:

1. Initiate an application, claim, appeal or request for action by the IRWD division the employee works in;
2. Bid on or enter into a written contract with that would be evaluated, processed or managed by the IRWD division the employee works in;
3. Seek a permit, license, variance or other entitlement from the IRWD division the employee works in;
4. Be subject to any inspection or regulatory action by the IRWD division the employee works in;
5. Business entities which That manufacture, distribute, lease, retail, or sell items which are, which have been, or which foreseeably could be utilized or procured by IRWD department the employee works in, including, but not limited to, the items listed under Category 2
6. Bid for, contract or subcontract for, or consult in, the performance of work or services which are, which have been or which foreseeably could be utilized or procured by IRWD department the employee works in, including, but not limited to, the items listed under Category 3.

Category 7: Reportable Investments in and Income

Investments in and income from sources or business entities that could foreseeably:

1. Initiate an application, claim, appeal or request for action by the IRWD division the employee works in;
2. Bid on or enter into a written contract with that would be evaluated, processed or managed by the IRWD division the employee works in;
3. Seek a permit, license, variance or other entitlement from the IRWD division the employee works in;
4. Be subject to any inspection or regulatory action by the IRWD division the employee works in;
5. That manufacture, distribute, lease, retail, or sell items which are, which have been, or which foreseeably could be utilized or procured by IRWD department the employee works in, including, but not limited to, the items listed under Category 2
6. Bid for, contract or subcontract for, or consult in, the performance of work or services which are, which have been or which foreseeably could be utilized or procured by IRWD department the employee works in, including, but not limited to, the items listed under Category 3.