

RESOLUTION NO. 2022-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY
AMENDING ITS CONFLICT OF INTEREST CODE

WHEREAS, the CITY OF GILROY and the CITY OF MORGAN HILL have together executed and entered into the Joint Exercise of Powers Agreement, dated May 19, 1992, creating and establishing the SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY (“AUTHORITY”); and

WHEREAS, the Political Reform Act, California Government Code section 81000 *et seq.*, requires state and local agencies to adopt and promulgate conflict of interest codes, and the AUTHORITY is an agency subject to said statute; and

WHEREAS, the AUTHORITY, by Resolution No. 92-23, a copy of which is attached hereto as Exhibit 1 and incorporated by this reference, has adopted the terms of Title 2 California Code of Regulations section 18730, and any amendments thereto, taken with appendices prepared and adopted and amended from time to time by the AUTHORITY, as the Conflict of Interest Code of the AUTHORITY, (the “Conflict Code”); and

WHEREAS, the AUTHORITY most recently amended the Conflict Code by adopting Resolution No. 2021-01 on February 3, 2021, which deleted and replaced Appendix I of the Conflict Code to update the list of reporting positions (the “Designated Positions”); and

WHEREAS, as required by law, on January 25, 2022, the AUTHORITY gave notice to the Office of the County Counsel informing the County that revisions will be made to the Conflict Code to update Designated Positions; and

WHEREAS, in the City of Morgan Hill, existing titles have been revised, positions have been eliminated, and/or new positions have been designated, so that it is necessary to delete the position of Assistant City Manager for Community Development, City of Morgan Hill from the list of Designated

Positions, and to add the position of Assistant City Manager for Development Services, City of Morgan Hill.

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION I

Resolution No. 2021-01 shall remain in full force and effect except as otherwise indicated herein. Appendix I to Resolution No. 2021-01, which includes the list of Designated Positions that shall be subject to the AUTHORITY's Conflict Code and describes the disclosure categories, shall be deleted in its entirety from the Conflict Code and replaced with a new Appendix I as set forth in Exhibit 2 to this Resolution.

SECTION II

Statements of economic interests filed by persons holding AUTHORITY designated positions pursuant to FPPC regulations and the AUTHORITY's Conflict Code shall be retained by the AUTHORITY as public records and shall be made available for public review and inspection subject to Government Code section 81008.

[Signatures on the Following Page]

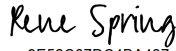
PASSED AND ADOPTED this 4th day of May, 2022 by the following vote:

AYES: DIRECTORS: SPRING, TOVAR, BLANKLEY, BRACCO, MCKAY

NOES: DIRECTORS:

ABSENT: DIRECTORS:

APPROVED:

DocuSigned by:

9E52C67DC4BA437
Rene Spring, Chairperson

ATTEST:

DocuSigned by:

B83A1BFBE06447A
Gina Bonnell, Deputy Secretary

EXHIBIT 1

RESOLUTION NO. 92-23

A RESOLUTION OF THE SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY ADOPTING A CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST CODE.

WHEREAS, pursuant to the provisions of Chapter 5 of Division 7 of Title 1 of the Government code of the state of California, the CITY OF GILROY ("GILROY") and the CITY OF MORGAN HILL ("MORGAN HILL") and together with GILROY, the "MEMBER AGENCIES")have executed and entered into the Joint Exercise of Powers Agreement creating the SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY, dated May 19, 1992, pursuant to which Joint Exercise of Powers Agreement the SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY (the "AUTHORITY") has been created and established and

WHEREAS, the aforesaid Joint Exercise of Powers Agreement provides that the AUTHORITY, in its own name, or for the benefit of the MEMBER AGENCIES, has the power to acquire by purchase, lease, contribution, eminent domain or otherwise, real or personal property, and to plan for, develop, contract for, own, acquire, construct, finance, operate and maintain any systems, plants, buildings, works and other facilities for the collection, treatment and disposal of sewage, waste and storm water, including sewage treatment and disposal plants and works and facilities in connection therewith; and reclamation facilities; and

WHEREAS, the AUTHORITY is operating the existing wastewater treatment plant for the treatment and disposal of wastewater from each MEMBER AGENCY, and has begun the construction of a new wastewater facility (the "PROJECT") in order to serve their needs; and

WHEREAS, the Political Reform Act, Government Code section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes, and the AUTHORITY is an agency subject to said statute; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs., section 18730, which contains the terms of a standard conflict of interest code which can be incorporated by reference and may be amended by the Fair Political Practices Commission ("FPPC") after public notice and hearings to conform to amendments in the Political Reform Act.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The terms of 2 Cal. Code of Regs. section 18730, and any amendments thereto, taken with the appendices attached hereto and incorporated by reference herein, shall constitute the Conflict of Interest Code of the AUTHORITY.

2. Persons holding designated positions listed in the attached Appendix I or by the terms of an employee or consultant agreement with the AUTHORITY, shall file statements of economic interest with the Secretary of the AUTHORITY in accordance with 2 Cal. Code of Regs., section 18730(4). Upon receipt of the statements, the Secretary of the AUTHORITY shall make and retain a copy and forward the original of these statements to the Santa Clara County Clerk of the Board of Supervisors.

3. The geographical jurisdiction of the AUTHORITY shall be all territory within the cities of Gilroy and Morgan Hill and two miles therefrom plus all territory included and within two miles of property owned by the AUTHORITY.

4. Nothing in this resolution should be construed to allow any official, employee or consultant of the AUTHORITY or its MEMBER AGENCIES to make or participate in making or in any way attempt to influence a governmental decision in which he knows or has reason to know he has a financial interest. Disqualification in the event of a conflict of interest is governed by sections 87100 and following of the Government Code and the state regulations promulgated thereunder.

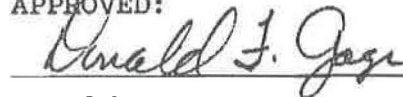
5, This Code shall become effective on _____ date of approval by designated reviewing body.

PASSED AND ADOPTED this 8th day of September, 1992, by the following vote:

SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY

AYES: DIRECTORS: GAGE, KENNEDY, HALE, KLOECKER
NOES: DIRECTORS
ABSENT: DIRECTORS: BASSETT

APPROVED:



Donald F. Gage
Chairperson

ATTEST:



Marilyn Gilhanek
Secretary

[Original Signature Page Attached]

4. Nothing in this resolution should be construed to allow any official, employee or consultant of the AUTHORITY or its MEMBER AGENCIES to make or participate in making or in any way attempt to influence a governmental decision in which he knows or has reason to know he has a financial interest. Disqualification in the event of a conflict of interest is governed by sections 87100 and following of the Government Code and the state regulations promulgated thereunder.

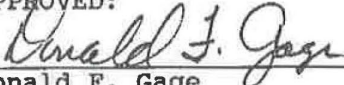
5. This Code shall become effective on _____, date of approval by designated reviewing body.

PASSED AND ADOPTED this 8th day of September, 1992, by the following vote:

SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY

AYES: DIRECTORS: GAGE, KENNEDY, HALE, KLOECKER
NOES: DIRECTORS
ABSENT: DIRECTORS: BASSETT

APPROVED:



Donald F. Gage
Chairperson

ATTEST:



Marilyn Silhanek
Secretary

EXHIBIT 2**APPENDIX I****SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY
CONFLICT OF INTEREST CODE**

<u>Designated Position</u>	<u>Disclosure Category</u>
1. Member of the Board of Directors	1
2. Alternate Member of the Board of Directors	1
3. Secretary	1
4. Deputy Secretary	1
4. Authority Manager	1
5. Legal Counsel	1
6. Treasurer	1
7. Wastewater Treatment Plant Manager	1
8. Assistant Plant Manager	1
9. Designated City of Gilroy employees:	
a. City Administrator (Manager), City of Gilroy	1
b. Community Development Director, City of Gilroy	1
c. Finance Director, City of Gilroy	1
d. Finance Manager, City of Gilroy	1
e. Management Analyst, City of Gilroy	1
f. Public Works Director, City of Gilroy	1
g. City Engineer/Traffic Engineer, City of Gilroy	1
h. Senior Management Analyst, City of Gilroy	1
i. Senior Environmental Engineer, City of Gilroy	1
j. City Attorney, City of Gilroy	1
10. Designated City of Morgan Hill employees:	
a. City Manager, City of Morgan Hill	1
b. Assistant City Manager for Development Services, City of Morgan Hill	1
c. Public Services Director, City of Morgan Hill	1
d. Finance Director, City of Morgan Hill	1
e. City Engineer, City of Morgan Hill	1
f. Deputy Director for Utilities Services, City of Morgan Hill	1
g. City Attorney, City of Morgan Hill	1
11. Consultant	2
12. Newly Created Position	*

*Newly Created Positions

Newly Created Positions that make or participate in the making of decisions and whose specific position title is not yet listed in the Authority's Conflict Code are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Authority Manager may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Authority's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict Code.

As soon as the Authority has a newly created position that must file Statements of Economic Interests, the District's filing official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the exact position title of the newly created position into eDisclosure and the Authority's filing official shall ensure that any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file Statements of Economic Interests, the Authority shall update this Conflict Code to reflect the exact position title in its list of designated positions, and submit the amended Conflict Code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

DISCLOSURE CATEGORIES

Disclosure Category 1:

Persons in this category shall disclose:

- (1) all investments, business positions, and income (including gifts, loans and travel payments) from:
 - (a) all sources subject to the regulatory, permit or licensing authority of the Authority; and
 - (b) all sources that provide, plan to provide, or have provided in the last two years, facilities, goods, software, hardware, or related technology, equipment, vehicles, machinery, or services, including training or consulting services, to the Authority; and
 - (c) all sources that are engaged in any real estate activity including, but not limited to real estate appraisal, development, construction, planning/architectural design, engineering, sales, brokerage, leasing, lending, insurance, rights of way, and/or studies; and/or property or facilities

management/maintenance/custodial and utility services as used by the Authority or provides capital for the purchase of property used or sold by the Authority; and

- (2) all interests in real property in the Authority located entirely or partly within the Authority, or within two miles of the Authority boundaries, or of any land owned or used by the Authority.

Disclosure Category 2:

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the Conflict Code subject to the following limitation: The Authority Manager 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 comply fully with the disclosure requirements of the broadest category but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. All such determinations are public records and shall be retained for public inspection along with this Conflict Code.