

**RESOLUTION NO. 2022-11**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HEBER  
PUBLIC UTILITY DISTRICT TO AMEND THE POLICY MANUAL  
TO INCLUDE THE REVISED CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act of 1974 (“Act”). Government Code Sections 8100 et seq. Enacted as part of Proposition 9, requires every local agency to adopt and promulgate a conflict of interest code applicable to employees or consultants holding designated positions and public officials within the jurisdiction of the local agency; and

**WHEREAS**, the Fair Political Practices Commission (“FPPC”) enacted 2 Cal. Code of Regs. Section 18730 which contains the terms of a standard model conflict of interest code, which could be adopted by local agencies covering such matters as the manner of reporting financial interests, the procedures to be utilized in filing conflict of interest statements, the contents of such statements, the time within which such statements must be filed, etc.; and which may be amended by the FPPC after public notice and hearings to conform to amendments to the Act; and

**WHEREAS**, Attachment A of Resolution 2022-11 listed the designated employees subject to the model conflict of interest code (listed as “designated flyers”); and

**WHEREAS**, state law as specified in the Act required the Board of Directors; as the District’s code-reviewing body to direct the review of its Conflict of Interest Code; and

**WHEREAS**, the Act additionally requires the submission of a revised conflict of interest code for approval by the code-reviewing body or the notification of said body that no changes are necessary pursuant to Government code Section 87306.5; and

**WHEREAS**, the Conflict of Interest Code requires revision to reflect changed in designated positions and the financial interests required to be reported; and

**WHEREAS**, this review has been completed and the Board has determined that such changed are necessary due to changed in the organization and to comply with state law and the Attachments A and B, attached herein, accurately sets forth the designated positions; and their respective categories of financial interests which should be made reportable; and

**WHEREAS**, the Conflict of Interest Code includes filing requirements for related agency positions; and

**WHEREAS**, the Heber Public Utility District conflict of Interest Code, incorporated herein, requires revisions so that it accurately sets forth the designated positions and categories of financial interests which should be made reportable.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Heber Public Utility District as follows,

**SECTION 1.** Incorporation of Recitals. All Recitals above are true and correct and are incorporated herein.

**SECTION 2.** Adoption of Modified Conflict of Interest Code. The terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and included as part of the Conflict of Interest Code of the Heber Public Utility District.

**SECTION 3.** Statement of Economic Interest Code. Persons holding designated positions and persons required to do so by statute shall file Statements of Economic Interests with

the Heber Public Utility District on FPPC forms, in conformance with the individual disclosure categories and State guidelines, when requested by the Clerk of the Board. Persons holding designated positions and persons required by statute to file statements of economic interests shall also report interests for any other related agency positions.

**SECTION 4. Form 700 Requirement.** In accordance with FPPC Regulation 18734, any individual hired for a position not yet covered under this Conflict of Interest Code must file a Form 700 if the individual serves in a positions that makes or participated in making governmental decisions. Individuals in this category must file under the broadest disclosure category until the code is amended to include the new position unless Heber Public Utility District provides, in writing, a limited disclosure requirement.

**SECTION 5. Late Filings and Failure to File Statements.** Any violation of any provisions of this Code is subject to the administrative, criminal, and civil sanctions provided in the Act, Government Code Sections 81000 *et seq.*

**SECTION 6. Employees and Officials that Must Disclose Financial Interests.** The District Conflict of Interest Code hereby includes Attachment A, which reflects changes in District organization and in the job titles of District management staff and reflects the inclusion of staff positions with decision making authority as authorized by the Heber Public Utility District Policy Manual and in compliance with Title 2, Section 18701 of the California Code of Regulations. Designated Employees and Public Officials shall disclose financial interests as set forth in Appendix B.

**SECTION 7. Adoption of Disclosure Categories.** The District Conflict of Interest Code hereby includes Policy Number 1020 to achieve consistency with State Law and reflect the required disclosure categories of this Conflict of Interest Code.

PASSED AND ADOPTED by the Board of Directors of HEBER PUBLIC UTILITY DISTRICT, this 15<sup>th</sup> day of September, 2022, by the following vote:

AYES: *Garcia, Sandoval, Tabarez, Diaz-Molina, Matos*

NOES:

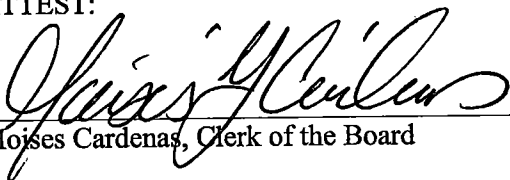
ABSENT:

ABSTAIN:

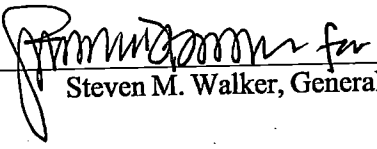


Kaine Garcia, Board President

ATTEST:

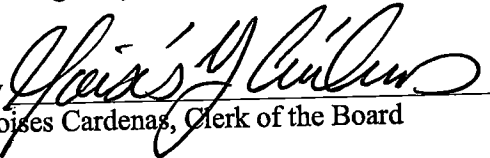
  
Moises Cardenas, Clerk of the Board

APPROVE AS TO FORM:

  
\_\_\_\_\_  
Steven M. Walker, General Counsel

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL )  
HEBER PUBLIC UTILITY )  
DISTRICT )

I, Moises Cardenas, Clerk of the Board of the Heber Public Utility District, County of Imperial, State of California, DO HEREBY CERTIFY that the foregoing resolution was dully passed, approved and adopted by the Board of Directors of the Heber Public Utility District at its regularly scheduled meeting held on the 15th day of September 2022.

By   
\_\_\_\_\_  
Moises Cardenas, Clerk of the Board