



PO Box 675 • 61750 Chollita Road • Joshua Tree CA 92252  
Phone (760) 366-8438 • Fax (760) 366-9528 • [www.jbwd.com](http://www.jbwd.com)  
An Equal Opportunity Provider

JOSHUA BASIN WATER DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
WEDNESDAY NOVEMBER 19, 2014 7:00 PM  
61750 CHOLLITA ROAD, JOSHUA TREE, CALIFORNIA 92252  
AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. DETERMINATION OF QUORUM

4. APPROVAL OF AGENDA

5. PUBLIC COMMENTS:

This public comment portion of this agenda provides an opportunity for the public to address the Board of Directors on items not listed on the agenda that *are of interest to the public at large* and are within the subject matter jurisdiction of this Board. The Board of Directors is prohibited by law from taking action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Board does not respond to public comments at this time. Comments that concern individual customer accounts are welcome, however we encourage doing so only after other administrative avenues for redress have been fully exhausted. In all cases, your concerns will be referred to the General Manager for review and a timely response.

Comments are to be limited to three minutes per speaker and shall not exceed a total of 20 minutes. All comments are to be directed to the Board of Directors and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. Public input may be offered on an agenda item when the item comes up for discussion and/or action. Members of the public who wish to speak shall proceed to the podium when called by the President of the Board. Please state your name and community of residence for the record.

6. CONSENT CALENDAR: Items on the Consent Calendar are considered routine in nature and will be adopted in total by one action of the Board of Directors unless any Board Member or any individual or organization interested in one or more consent calendar items wishes to be heard.

Pg. 1-3

- A. Approve Draft Minutes of the November 5, 2014 Regular Meeting of the Board of Directors

Pg. 4-6

7. APPROVE NOTICE OF COMPLETION AND RELEASE OF RETENTION FOR VANCE CORPORATION FOR THE WATER RECHARGE POND PROJECT

Recommend that the Board approve notice of completion and release of retention in the amount of \$112,345.94.

Pg. 7-8

8. UPDATE ON SUN EDISON WATER INCIDENT

Recommend that the Board receive report on current status of Sun Edison.

Pg. 9-10

9. WELL 15 NOISE ABATEMENT

Recommend that the Board approve the expenditure of approximately \$30,000 to mitigate a noise code violation at Well 15.

Pg. 11-30

10. APPROVE RESOLUTION 14-945 AMENDING CONFLICT OF INTEREST CODE

Recommend that the Board approve Resolution 14-945 making changes to Appendix A of the District's Conflict of Interest Code

11. STANDING:

A. PUBLIC INFORMATION COMMITTEE: Director Luckman and President Fuller: Kathleen Radnich, Public Outreach Consultant to report.

B. FINANCE COMMITTEE: President Fuller and Director Johnson

12. PUBLIC COMMENT

At this time, any member of the public may address the Board on matters within the Board's jurisdiction that are not listed on the agenda. Please use the podium microphone. The Board may not discuss at length or take action on items not on the agenda.

13. DISTRICT GENERAL COUNSEL REPORT

14. GENERAL MANAGER REPORT

15. FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES

Mojave Water Agency (MWA) Board of Directors Meeting on November 20, 2014 at 3:30 pm

16. INDIVIDUAL DIRECTOR REPORTS ON MEETINGS ATTENDED

17. DIRECTORS COMMENTS/REPORTS

18. FUTURE AGENDA ITEMS

19. CLOSED SESSION:

At this time the Board will go into Closed Session pursuant to Government Code Section 54957 (b)(1) for the following matter:

Public Employee Performance Evaluation: Title: General Manager

20. REPORT ON CLOSED SESSION

General Counsel will provide an oral report on tonight's Closed Session.

21. ADJOURNMENT

INFORMATION

The public is invited to comment on any item on the agenda during discussion of that item.

Any person with a disability who requires accommodation in order to participate in this meeting should telephone Joshua Basin Water District at (760) 366-8438, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the District's office located at 61750 Chollita Road, Joshua Tree, California 92252 during normal business hours.

*This meeting is scheduled to be broadcast on Time Warner Cable Channel 10 on November 26 at 7:00 pm and December 3 at 7:00 pm. DVD recordings of Joshua Basin Water District Board meetings are available at the District office and at the Joshua Tree Library*

JOSHUA BASIN WATER DISTRICT  
Minutes of the  
REGULAR MEETING OF THE BOARD OF DIRECTORS

November 5, 2014

1. CALL TO ORDER: 7:04 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM:

Victoria Fuller	Present
Bob Johnson	Present
Mickey Luckman	Present
Mike Reynolds	Present
Gary Wilson	Present

STAFF PRESENT:

Susan Greer, Assistant General Manager/Controller  
Curt Sauer, General Manager  
Keith Faul, GIS Coordinator

CONSULTANTS PRESENT:

Gil Granito, District Counsel  
Kathleen Radnich, Public Outreach Consultant

GUESTS 2

4. APPROVAL OF AGENDA

General Manager Sauer recommend that the Board 1) Request to orally add item 16c Litigation to agenda  
2) Request that 16B be removed from the agenda.

MSC Luckman/Reynolds 5/0 determined an urgent need arose after agenda was posted and orally added item 16C to agenda and removed 16B.

MSC Luckman/Reynolds 5/0 to approve the agenda for the November 5, 2014 meeting.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	Aye

5. PUBLIC COMMENTS

None

6. CONSENT CALENDAR:

MSC Luckman/Reynolds 5/0 to approve the consent calendar.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye

Wilson            Aye

7. APPROVE COMMITMENT TO EXCELLENCE BETWEEN ACWA JOINT POWERS INSURANCE AUTHORITY AND JBWD

MSC Reynolds/Luckman 5/1 approved Commitment to Excellence between ACWA Joint Powers Insurance Authority and JBWD.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	Aye

8. STANDING :

- A. PUBLIC INFORMATION COMMITTEE: Kathleen gave the Public Information Committee report.
- B. FINANCE COMMITTEE: No report.

9. PUBLIC COMMENT

None

10. DISTRICT GENERAL COUNSEL REPORT

General Counsel Granito gave a report about the three Bills that mandate sustainable Groundwater Management Plans.

11. GENERAL MANAGER REPORT

General Manager Sauer gave an update on the Recharge Pond Project. HDMC documents were signed on November 3, 2014. Anne Roman revised the purchasing procedure for the district which was review and approved by the management team. Regarding Chromium 6, we met with USDA Dept. of Agriculture Grant representative concerning a grant to help cover costs of hydro profiling.

12. FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES

- A. Association of San Bernardino County Special Districts – November 17, 2014
- B. LAFCO – November 12, 2014

13. INDIVIDUAL DIRECTOR REPORTS ON MEETINGS ATTENDED – None

14. DIRECTORS COMMENTS/REPORT

Director Luckman congratulated all those won re-election or election and really want to commend Gary for his knowledge of systems and input that he has given and will be sorely missed.

15. FUTURE AGENDA ITEMS

None

16. ADJOURNED TO CLOSED SESSION: 7:40 PM

17. REPORT ON CLOSED SESSION

- 16A. Public Employee Performance Evaluation: Title: General Manager – The Board initiated an evaluation for the General Manager and will continue to session in the near future, probably at the next Board Meeting on November 19.
- 16C. Potential litigation of an incident that came to the attention of the District this week. The Board had placed this item on the agenda earlier tonight. Closed session for this discussion is specifically authorized by Government Code 54956.9(c). The closed session discussions on this matter were led by the General Manager and District Council. The Board authorized the General Manager to pursue the situation in a manner deemed to be in the best interest of the District, including but not limited to initiating litigation. No further reportable action was taken.

18. ADJOURNMENT

The meeting was adjourned at approximately 8:54 PM

Respectfully submitted:

---


Curt Sauer, General Manager and Board Secretary

JOSHUA BASIN WATER DISTRICT  
MEETING AGENDA REPORT

Meeting of the Board of Directors

November 19, 2014

Report to: President and Members of the Board

Prepared by: Susan Greer 

TOPIC:

APPROVE NOTICE OF COMPLETION AND RELEASE OF RETENTION FOR VANCE CORPORATION FOR THE WATER RECHARGE POND PROJECT

RECOMMENDATION:

Approve notice of completion and release of retention in the amount of \$112,345.94

ANALYSIS:

On January 15, 2014, the Board awarded the bid for the water recharge pond project to Vance Corporation in the amount of \$2,179,000 plus the standard 10% contingency, for a total of \$2,396,900.

Work has progressed substantially on time and under budget; the final punch list is complete per our project manager and inspector, Justin Scheidel from Dudek, and we are ready to close the contract, file the notice of completion and then release retention.

A breakdown of the contract costs and payments made and due is provided below.

Original Contract	\$2,179,000.00
Change Order #1 (Joshua tree removal)	800.00
Change Order #2 (additional excavation)	83,118.76
<b>Total Contract Including Change Orders</b>	<b>\$2,262,918.76</b>
Paid to date	
Contractor	\$2,134,572.83
Community Bank (retention)	112,345.94
<b>Total Paid</b>	<b>\$2,246,918.77</b>

Vance Corporation invoked their legal right, pursuant to the Public Contract Code, to establish an escrow account for deposit of their retention funds. The District has deposited such retention funds into an account at Community Bank in Pasadena and Vance has earned the interest on those funds, which also belongs to them. The money in that account is owned by Joshua Basin Water District for the benefit of Vance Corporation. Once notice of completion has been filed and the requisite 35-day waiting period has passed, the account will be closed out and payment forwarded to Vance Corporation, including any interest earned on the funds while deposited.

The contract included \$16,000 to stop and start work in a new location, a carryover from the original contract bidding, wherein we anticipated that the pipeline and the ponds would be constructed at the same time. This \$16,000 should have been removed from the rebid and will not be paid.

Once approved, the notice of completion will be filed with the County of San Bernardino and final release of retention will be made at least 35 days after the filing of the notice of completion.

**STRATEGIC PLAN ITEM:**

1.1.1 Recharge Basin & Pipeline Project Pond.

**FISCAL IMPACT:**

Retention due to Vance Corporation in the amount of \$112,345.94, plus interest, although this has already been paid to Community Bank for the benefit of Vance Corporation—no additional cost will be incurred related to this contract.

Recording Requested by (and mail to):

JOSHUA BASIN WATER DISTRICT  
61750 Chollita Road  
Joshua Tree, CA 92252

Exempt from filing fees per  
G.C. Section 6103

---

**NOTICE OF COMPLETION**

Notice is given that work was completed on that certain work of improvement known as Water Recharge Project, for the owner, **Joshua Basin Water District, 61750 Chollita Road, Joshua Tree, CA 92252**, on or before November 13, 2014 and that said work was accepted by the District on November 19, 2014.

The original Contractor on said work was Vance Corporation, 2217 N Locust Ave, Rialto CA 92377, and the surety of said Contractor is Liberty Mutual Insurance Company of Orange, CA. Said work of improvement was constructed at the water recharge pond site, Joshua Tree, CA, Assessor's Parcel Number 0603-191-41.

**JOSHUA BASIN WATER DISTRICT**

Date \_\_\_\_\_

By: \_\_\_\_\_  
General Manager

STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by

\_\_\_\_\_ ,

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

Signature: \_\_\_\_\_  
Signature of Notary Public



JOSHUA BASIN WATER DISTRICT  
MEETING AGENDA REPORT

Meeting of the Board of Directors

November 19, 2014

Report to: President and Members of the Board

Prepared by: Curt Sauer *CS*

TOPIC: Update on Sun Edison incident

RECOMMENDATION: Information only: Recommend the Board receive report on current status of Sun Edison.

ANALYSIS: On the morning of November 4, District personnel noticed an unusual drop in the water level at reservoir A-, while observing the SCADA system, during routine analysis. This water loss was indicative of a leak in the system. Dan Bock was dispatched to that pressure zone and found a “huge lake” located on Lawrence Road. He also noticed a fire hose connected to a Jones head stand pipe. Further investigation led Dan to a mainline leak at the intersection of Sun View and Sun Oro Road. District staff responded and repaired the leak.

At the scene, Dan was approached by a local resident who told Dan that he had witnessed the company that is cleaning the solar panels at the East end of Sun Oro using a water trailer and fire hose without a meter. This activity had been going on since the previous Wednesday, October 29<sup>th</sup>.

At approximately 8 AM Jim Corbin and I arrived at the location. We noticed a crew of 5 people on the Sun Edison solar site, washing down panels with a water trailer and approached them. The crew’s foreman told us his supervisor had completed a walkthrough of the project the week before and that the Sun Edison Site Supervisor had told them to take water from the jones head.

The Site Supervisor then arrived at the site. The Site Supervisor was vague in his answer to our questions. Approximately 10 minutes later a Mr. Weagle, director of services and maintenance operations of North America for Sun Edison arrived at the site.

Mr. WEAGLE stated that there was obviously a mix up thru some national office, because he did not know there was no agreement with Sun Edison and the Water District about water. However, he also stated that in the other sites they operate throughout the country, they always get a meter from the appropriate water district and pay for the water used. He stated that to do otherwise would be water theft. Mr. Weagle said he would find a contact for us in the Corporate office and have that ‘asset manager’ contact me.

Since I had not heard from any one at Sun Edison as of 1:45 pm on **November 5**, I called WEAGLE. He informed me that he had contacted Jeff Lewis, “asset manager” and that Jeff was going to email me either today or tomorrow. I asked where Jeff was located; WEAGLE stated he was in Connecticut. I asked for his phone number and WEAGLE stated that he was “just getting on a plane” and would send that information to me “as soon as he landed”.

As of November 7 at 9 AM I had not heard from WEAGLE or any one named Jeff Lewis.

On November 7 at 9:41 AM I notified Sherriff's Department dispatch. At 10:30 AM I spoke with a Sheriff's Service Specialist, who took my report and immediately contacted the site supervisor for Sun Edison.

I would mention here that the Sheriff's Office was very responsive to this water theft incident and the follow up throughout the day was excellent. The District received good service from the Sheriff personnel involved. I also notified Watch Commander Sergeant Garvin of the situation, since this case may have high public interest in the Joshua Tree / Morongo Basin area.

Jeff Lewis of Sun Edison and I spoke by phone on November 7 at 1 PM.

I explained the water theft / mainline leak repair incident to Jeff. Jeff expressed his concern for the actions Sun Edison employees had taken and was interested in taking appropriate action to make things right. I advised him of the estimated costs of \$2400 to repair damages and pay for water loss and water usage. Jeff also agreed to get an estimate for water used between October 29 and November 3, so that we can also bill for that water usage. Jeff asked that invoices be sent to him as soon as they were completed. He will make sure payment was made. Invoice was sent to Jeff on November 13.

We discussed future water needs and various options available to the company for receiving water. Jeff will be supplying the district with estimates of how much water they need annually, time of year and duration. Once that information is received the District will consider the alternatives available for water supply. We will be billing Sun Edison for staff time to complete these assessments, including engineering costs if needed.

That is a summary of the incident. Are there questions about this particular incident before I move on?

There is one existing solar site, and another two proposed sites, at Alta Loma and at the Airport. There are probably other solar projects that we do not yet know about. There is at least one agricultural project, in a conceptual phase, which is a 30 acre Olive tree farm.

Our regulations are primarily designed to address single parcel, residential or business requests for water service. Conditional Use Permits from the County for industrial or agricultural development may well affect our interpretation of current regulations. For example, the Sun Edison project uses 7 separate parcels that are leased by Sun Edison for 20 years. Current regulations would require 7 meters, with projected revenue of \$35,000. Water service to one meter for all 7 parcels would reduce the Districts revenue by approximately \$30,000.

I suggest that the Board consider forming an ad hoc committee at the next Board meeting, December 19.


The Board has struggled with County communication over the past 5 years. These potential projects indicate that improved communication with County Planning is also needed. which we will be addressing in 2015.

JOSHUA BASIN WATER DISTRICT  
MEETING AGENDA REPORT

Meeting of the Board of Directors

November 19, 2014

Report to: President and Members of the Board

Prepared by: Curt Saue  NOTE: Not all information is available at this time. This staff report will be updated for the November 19 meeting.

TOPIC: Well 15 noise abatement

RECOMMENDATION: Recommend that the Board approve the expenditure of approximately \$30,000 to mitigate a noise code violation at Well 15.

ANALYSIS: I have mentioned in the past, as recently as July 16, that a new resident purchased property directly adjacent to Well 15 and had complained about the noise levels. Staff recalled a complaint from 2006 and stated that we had tested the noise levels and we were in compliance. After several additional inquiries from residents and their real estate broker, and being unable to locate any report about sound testing from 2006, we arranged for an acoustician to test for compliance with County noise codes.

These tests occurred on July 6. Results from these tests indicate that we are above the night time standards of 45 dbL. Our average reading over a one hour period at the property line was approximately 66. I have asked staff to look into various actions to mitigate the noise and bring us into compliance.

I also met with County Code enforcement during the month of August. Code Enforcement and County Planning concur with the acoustician's finding, and interpretation of the noise testing. The District is out of compliance with County noise ordinances.

We have discussed the issue with Dudek and have considered various alternatives to mitigate the noise. These include a cinder block building, cinder block noise reduction wall, planting vegetation, and the preferred, least expensive method, installation of a fiberglass building.

Before I go any further into costs, I want to review a Well Facilities Evaluation which staff conducted in 200?. (Slide presentation – review findings for wells 14, 15, and 10). Note the 200? Evaluation called for replacement of the Chlorine Shed (estimated cost \$6000) and installation of a shade structure over the motor (estimated cost \$2000). This year's budget also funds creation of an electrical schematic for well 15 and others.

Staff recommends we purchase a X by X fiberglass building with foam insulation. This modular building would allow us to reduce the decibel reading at our property line from an average hourly reading of 66 to below the 45 decibel rating required by code. (ADDITIONAL INFORMATION is being compiled on the manufacturer specifications, and benefits to operation.)

STRATEGIC PLAN ITEM: Goal 3.0 –Operational and Asset Management. Design, build, operate and maintain facilities for reliability and cost efficiency; 3.5.0 – Provide appropriate, safe facilities with adequate space to effectively carry out the District’s goals and objectives. Goal 4 – Governmental Community Relations. The District acts as a good neighbor and partner that is highly regarded in the community.


FISCAL IMPACT: \$30,000

JOSHUA BASIN WATER DISTRICT  
MEETING AGENDA REPORT

Meeting of the Board of Directors

November 19, 2014

Report to: President and Members of the Board

Prepared by: Susan Greer 

TOPIC:

APPROVE RESOLUTION 14-945 AMENDING CONFLICT OF INTEREST CODE

RECOMMENDATION:

Approve Resolution 14-945 making changes to Appendix A of the District's Conflict of Interest Code

ANALYSIS:

The Political Reform Act of the Fair Political Practices Commission (FPPC) requires that state and local government agencies adopt Conflict of Interest Codes. Agencies such as ours are then required to review their Conflict of Interest Codes every two years, and make amendments if needed.

Certain positions with decision-making authority (such as board members and management staff) are designated in the Conflict of Interest Code, and those persons are supposed to avoid any conflict between personal interests and those of the District. The Conflict of Interest Code requires written disclosure of potential areas of conflict, such as property or businesses located within the District's jurisdiction owned by those persons. Avoiding those areas of conflict ensures that the name, reputation and integrity of the District are not compromised. No decision-maker should have, or appear to have, any personal interests, relationships or affiliations that conflict with the best interests of the District.

JBWD follows the standard Conflict of Interest Code adopted by the FPPC, so any changes made by the FPPC are automatically incorporated by reference. The only changes needed at this time are to "Appendix A" of the Code, which lists the designated positions that must comply with disclosure requirements of the Code. The Chief of Operations and the generic "consultants" positions have been added to the list. Previously, we have designated only certain consultants (attorney, auditor, engineer) as being subject to the conflict of interest reporting, but *every consultant* should be evaluated to determine if they should be subject to such disclosure.

The District is required to notify the Clerk of San Bernardino County Board of Supervisors of the change before December 30.

STRATEGIC PLAN ITEM:

n/a

FISCAL IMPACT:

n/a

RESOLUTION NO. 14-945

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE JOSHUA BASIN WATER DISTRICT  
ADOPTING AN AMENDMENT TO  
THE DISTRICT'S CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act ("Act"), Government Code Section 81000 et seq, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes; and

WHEREAS, the Act requires that the state and local government agencies review their Conflict of Interest Code biannually in order to ensure that it remains in conformity with the Act and to update said code with respect to any organizational changes which have occurred in the agency since the adoption and last amendment of the Code; and

WHEREAS, the Fair Political Practices Commission ("FPPC") 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 by state and local government agencies as the Conflict of Interest Code of such an agency, and which may be amended by the FPPC from time to time to conform with the amendments in the Act; and

WHEREAS, the Board of Directors has previously adopted said Standard Conflict of Interest Code; and

WHEREAS, the Board of Directors of the Joshua Basin Water District desires to amend the District's Conflict of Interest Code for the purpose of updating and restating Appendix "A" thereto to reflect organizational changes of the District.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Joshua Basin Water District DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

1. The Board of Directors hereby ratifies and confirms the District's adoption of the Standard Conflict of Interest Code and hereby adopts an amended Appendix "A" thereto which sets forth designated positions and disclosure categories to the District's Conflict of Interest Code, all of which is set forth in Exhibit "A" to this Resolution.
2. The Secretary of the District is hereby authorized and directed to file with the Clerk of the Board of Supervisors a copy of this Amendment and such other information as may be required by the Board of Supervisors.

3. The Secretary of the District is hereby ordered and directed to file the Amended Conflict of Interest Code in the office of the District, and to retain and incorporate same in the District's "Administrative Code".

ADOPTED, SIGNED AND APPROVED this 19<sup>th</sup> day of November, 2014.

Fuller: \_\_\_\_\_  
Reynolds: \_\_\_\_\_  
Johnson: \_\_\_\_\_  
Luckman: \_\_\_\_\_  
Wilson: \_\_\_\_\_

\_\_\_\_\_  
Victoria Fuller, President  
Joshua Basin Water District and of the  
Board of Directors thereof

ATTEST:

\_\_\_\_\_  
Curt Sauer, Secretary  
Joshua Basin Water District and of the  
Board of Directors thereof

**APPENDIX “A”  
APPENDIX OF DESIGNATED POSITIONS AND  
CATEGORIES OF DISCLOSURE**

**DESIGNATED POSITIONS**

**DISCLOSURE CATEGORIES**

(See Attachment No. 1)

Director	1-4
General Manager	1-4
Assistant General Manager/Controller	1-4
Human Resources/Administrative Services Supervisor	1-4
Accountant	1-4
GIS Coordinator	1-4
Chief of Operations	1-4
Water Distribution Supervisor	1-4
Water Production supervisor	1-4
General Counsel	5
Auditor	5
Consultants, including but not limited to attorneys and engineers	5

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

It has been determined that the positions listed below manage public investments and will file a Statement of Economic Interests pursuant to **Government Code Section 87200**:

- Directors
- District/Board Officer
- Assistant General Manager/Controller

\*Consultants shall be included in the list of designated positions and shall Disclose pursuant to the broadest disclosure category in the code subject to the following limitations.

The General 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 fully comply with the disclosure requirements in this section. Such a written determination shall 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 shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

The Designated position of Consultant includes attorneys as a position subject to the foregoing specialized disclosure category.



**DISCLOSURE CATEGORIES**  
**(Attachment No. 1 to Appendix "A")**

**CATEGORY 1**

Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

**CATEGORY 2**

Persons in this category shall disclose all investments and business positions.

The Political Reform Act defines investment as follows:

“Investment” means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned directly, indirectly, or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000). The term “investment” does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual include a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly, or beneficially, a 10-percent interest or greater.

According to the Political Reform Act, a business position is a position of director, officer, partner, trustee, employee, or any position of management in any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

### **CATEGORY 3**

Persons in this category shall disclose all income and business positions

The Political Reform Act defines income as follows:

“Income” means a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses other than an employer, and including any community property interest in the income of a spouse. Income also includes any outstanding loans. Income of an individual also include a pro rata share of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater.

### **CATEGORY 4**

Persons in this category shall disclose all business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell service and/or supplies of a type utilized by the Agency and associated with the job assignment of designated positions assigned to this disclosure category.

### **CATEGORY 5**

Consultants who are not employed as full-time staff members of the Agency shall nonetheless be included as a designated employee and subject to the disclosure requirements herein. However, those consultants whose positions are marked with an asterisk (\*) in Appendix "A" of this Code, or any other consultants which may be hired, may not be required to fully comply with the disclosure requirements herein where the range of duties which they are hired to perform is limited in scope. Such determination shall be made in writing by the General Manager of the District and shall include a description of the Consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements, if any. This determination is a public record and shall be retained for public inspection in the same manner and location as this Code.

## **§ 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 Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 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, 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 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 (Regulations 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 the Appendix 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 economic interests.

### **(3) Section 3. Disclosure Categories.**

This code does not establish any disclosure obligation for those designated employees who are also specified in 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, 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, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix 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 the Appendix. 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.<sup>2</sup>

(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.

(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, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(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 property<sup>3</sup> is required to be reported,<sup>4</sup> 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 equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

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

1. The name and address of each source of income aggregating \$500 or more in value, or \$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 \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

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,<sup>6</sup> 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 \$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 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 Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 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 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 the 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 or 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 five hundred dollars (\$500) 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 \$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 \$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 \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 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 \$500 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 \$420 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 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:

(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

(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 \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

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.

(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, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

---

<sup>1</sup>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 Section 81004.

<sup>2</sup>See Section 81010 and Regulation 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.

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

<sup>4</sup>Investments and interests in real property which have a fair market value of less than \$2,000 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.

<sup>5</sup>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.

<sup>6</sup>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: Section 83112, Government Code. 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).