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SENT VIA EMAIL

Steve Bardwell

President of the Board

Morongo Basin Conservation Association

P.O. Box 24

Joshua Tree, CA 92252

stevebardwell@mbconservation.org

**Re: Conflict of Interest Analysis Regarding Dual Board Service
(MBCA Board Members Stacey Doolittle and David Fick)**

Dear Board of Directors:

You have requested a legal assessment regarding whether a conflict of interest exists for Morongo Basin Conservation Association (“MBCA”) board members Stacey Doolittle and David Fick who concurrently serve as elected officials for the Joshua Basin Water District (“JBWD”). Based on an evaluation of California law, specifically California Government Code §1126 and the landmark appellate decision in *Mazzola v City and County of San Francisco* (1980) 112 Cal.App3d 141, it is my opinion that their concurrent service does not constitute a prohibited conflict of interest.

Legal Framework and Analysis

California Government Code §1126 governs local public agency officials engaging in outside employment or outside activities. Under Section 1126(a), a local agency officer or employee shall not engage in any activity for compensation or otherwise if it is “inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.” However, the California Court of Appeal in *Mazzola* established that Government Code Section 1126 is not self-executing. The *Mazzola* court ruled that a local agency

cannot punish, remove, or restrict an official for outside activities unless that agency has formally adopted a specific incompatible activities policy, explicitly 1) outlining the prohibited conduct, 2) establishing clear disciplinary procedures, and 3) providing the official with advanced notice.

Legal Application to MBCA and JBWD

Because the JBWD has no policy, rule, or regulation prohibiting its elected board members from participating in advocacy work such as the MBCA board, no statutory violation under Section 1126 can be enforced against them. Furthermore, it has been brought to my attention that **JBWD's own legal counsel has recently issued a formal letter to the JBWD board weighing in on this particular question and affirming that there is no inherent legal conflict of interest presented by their dual service.** Under *Mazzola*, the transparency of their dual roles means that their involvement is effectively permitted in the absence of *explicit pre-existing prohibitive rules*.

Conclusion and Recommendation

MBCA Board members Stacey Doolittle and David Fick may legally and ethically continue to serve concurrently on both the MBCA and JBWD boards. With that stated, while there is no inherent conflict, I would advise that both individuals remain mindful of situations where an actual, specific transactional conflict could arise (e.g., if MBCA enters into a direct contractual dispute). In such isolated events, standard recusal protocols on a case-by-case basis will fully safeguard both entities.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Chris Carrillo', is written over a light blue rectangular background.

Christopher Carrillo