



2800 Burrel Avenue, Visalia, California 93291  
[www.tularecounty.ca.gov](http://www.tularecounty.ca.gov)

**COUNTIES**

**FRESNO COUNTY**

SUPERVISOR BUDDY MENDES,  
*President*

**KINGS COUNTY**

SUPERVISOR DOUG VERBOON,  
*Vice President*

**MADERA COUNTY**

SUPERVISOR DAVID ROGERS,  
*Director*

**MERCED COUNTY**

SUPERVISOR SCOTT SILVEIRA,  
*Director*

**TULARE COUNTY**

SUPERVISOR DENNIS TOWNSEND,  
*Director*

**CITIES**

MAYOR JERRY DYER,  
*Director*  
CITY OF FRESNO

**DISADVANTAGED  
COMMUNITIES**

MAYOR VICTOR LOPEZ,  
*Director*  
CITY OF ORANGE COVE

MAYOR ALVARO PRECIADO,  
*Director*  
CITY OF AVENAL

**WATER AGENCIES**

STEVE CHEDESTER,  
*Director*  
SAN JOAQUIN RIVER EXCHANGE  
CONTRACTORS WATER AUTHORITY

JASON PHILLIPS,  
*Director*  
FRIANT WATER AUTHORITY

**MEMBER AT LARGE**

STEVE WORTHLEY,  
*Director*  
SULTANA, TULARE COUNTY

## NOTICE OF MEETING

### SPECIAL MEETING OF THE BOARD OF DIRECTORS December 2, 2022

NOTE: In accordance with Assembly Bill 361 (2021) and consistent with California Government Code Section 54953(e) and the Governor's Executive Order (N-09-21), members of the San Joaquin Valley Water Infrastructure Authority will be participating in this meeting from multiple locations. This meeting will occur with an in-person option for members of the Authority interested in attending at the Fresno County Plaza Building 8<sup>th</sup> Floor Conference Room located at 2220 Tulare Street, Fresno, California. There will also be an option to attend online or by calling in through Microsoft Teams for members of the Authority and for the public. If anyone has any problems using the call-in number during the meeting, please contact Authority staff at (559) 600-4092.

Notice is hereby given that a special meeting of the San Joaquin Valley Water Infrastructure Authority has been called for Friday, December 2, 2022, at 9:00 AM.

### Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

**Or call in (audio only)**

[+1 559-494-4226,,864727188#](tel:+15594944226864727188) United States, Fresno

Phone Conference ID: 864 727 188#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)



## AGENDA

December 2, 2022

### 1. CALL TO ORDER

- a. Roll Call of Board Members
- b. Pledge of Allegiance

### 2. PUBLIC COMMENTS

- a. At this time, members of the public may speak about any subject of concern not appearing on the agenda, provided it is within the jurisdiction of the San Joaquin Valley Water Infrastructure Authority. The total amount of time allocated for this Public Comment Period shall be determined by the Authority President and each individual will be limited to 3 minutes each.

**Note:** The matters presented during the Public Comment Period may not be discussed or acted upon by the Board at this time.

### 3. CONSENT ITEMS

- a. Resolution For Remote Teleconference Meeting Pursuant to AB 361 (**Board Action**)

### 4. FINANCIAL

- a. Treasurer's Report, Fresno County Deputy Auditor-Controller
- b. Presentation of FY 2022 – 2023 Budget (**Board Action**)

### 5. ORGANIZATION

- a. Approve amendment to the San Joaquin Valley Water Infrastructure Authority Conflict of Interest Code (**Board Action**)

### 6. OTHER BUSINESS

- a. Approve meeting schedule for 2023 (**Board Action**)
- b. Update and discussion on the Temperance Flat Reservoir Authority

### 7. DIRECTORS' REPORTS

### 8. ADJOURNMENT



## **AMERICANS WITH DISABILITIES ACT INFORMATION**

**ADA COMPLIANCE:** *In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the **Tulare County Clerk** at (559) 636-5000. Public documents relating to items on this agenda may be reviewed at 2800 West Burrel Avenue, Visalia, California 93291.*

**RESOLUTION No. 2022-01****SAN JOAQUIN VALLEY WATER INFRASTRUCTURE AUTHORITY****A RESOLUTION ACKNOWLEDGING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE SAN JOAQUIN VALLEY WATER INFRASTRUCTURE AUTHORITY PURSUANT TO AB 361**

**WHEREAS**, the SAN JOAQUIN VALLEY WATER INFRASTRUCTURE AUTHORITY (“Authority”) is committed to preserving and nurturing public access and participation in meetings of the Directors on the Authority; and

**WHEREAS**, all meetings of the Authority’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Authority’s legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Authority’s boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361 (Rivas) as urgency legislation effective immediately, and which provides that legislative bodies may meet remotely during a declared State of Emergency subject to certain conditions; and

**WHEREAS**, allowing all individual Directors of the Authority and the members of the public to meet in person would present an imminent risk to the health and safety of attendees; and

**WHEREAS**, the Authority Directors do hereby find that such conditions have caused, and will continue to cause, conditions of peril to the safety of persons within the boundaries of the Directors of the Authority that are likely to be beyond the control of Authority services, personnel, equipment, and facilities, and desires to affirm a local emergency persists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency, the Authority Directors do hereby find that the legislative bodies of the Authority shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

**WHEREAS**, the Authority shall ensure that the public has the opportunity to participate live in all electronic meetings of the Authority and all its legislative bodies during all public comment periods.

**NOW, THEREFORE**, the Directors of The San Joaquin Valley Water Infrastructure Authority do hereby resolve as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Authority Directors hereby affirm that a local emergency persists throughout the boundaries of the Directors of the Authority, and full in-person meetings could cause an imminent risk to the Authority Directors, staff and public.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Authority Directors hereby re-ratify the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020, as subsequently extended.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the Authority are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon adoption.

**PASSED, APPROVED, AND ADOPTED** this 2nd day of December 2022, by a motion from Director \_\_\_\_\_ and a second by Director \_\_\_\_\_, with the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

**San Joaquin Valley Water Infrastructure Authority**

By: \_\_\_\_\_  
Ernest "Buddy" Mendes, President

**San Joaquin Valley Water Infrastructure Authority  
Treasurer Report  
As of February 28, 2022**

<b>Cash Balance as of 6/30/2021</b>	II.T.1 {a}	14,224		
			Actuals	Budgeted
<b>Administrative Budget</b>				% of total
FY22 Administrative Revenues as of 2/28/2022	II.T.1 {b}	22,558	-	n/a
FY22 Administrative Expenditures as of 2/28/2022	II.T.2 {c}	(26,062)	(37,300)	II.T.2 {h} 70%
<b>Remaining Administrative Appropriations as of 2/28/2022</b>				
2022 Salaries & Benefits	-	II.T.2		
2022 Professional & Specialized Services	{d} 10,174			
2022 General Liability Insurance	{e} 14			
2022 Other Services & Supplies	{f} 1,050			
<b>Total Appropriations:</b>			{g}	(11,238)
<b>Cash Balance as of 2/28/2022</b>		17,135	II.T.1 {d}	
<b>Total Cash Remaining as of 6/30/2022</b>		<u>\$ 5,897</u>		

**Tickmarks (TM):**

**TM** Calculated YTD actual and accrual amounts agree to the supporting workpapers

**{a}** To determine the beginning cash balance as of 6/30/2021, performed the following:  
 1 Ran the GL Trial balance report in WP II.T.1 to determine beginning cash balance as of 6/30/2021. Report run date was on 3/7/2022, for FY2022 period 8.

II.T.1	14,224.05	Beginning cash balance
<b>TM</b>	<u>14,224.00</u>	<b>Total Cash Balance as of 6/30/2021</b>

**{b}** To determine the FY2021-22 Administrative Revenues as of 2/28/2022, performed the following:  
 1 Ran the GLNF9016\_9818 departmental revenue status report in WP II.T.3 to determine the Year-to-date actual total as of 2/28/2022.  
 2 Ran the GL Trial balance report in the WP II.T.1 to determine interest accrual as of 2/28/2022.

II.T.1	109.21	Accrual Interest
II.T.1/II.T.3	49.76	Actual Interest
II.T.1/II.T.3	22,399.00	Other Government Agencies
<b>TM</b>	<u>22,557.97</u>	<b>Total Administrative Revenues</b>

**{c}** To determine the FY2021-22 Administrative Expenditures as of 2/28/2022, performed the following:  
 1 Ran the GLNF8020\_9818 Departmental Budget Status report in WP II.T.2 to determine year-to date Expenditures total as of 2/28/2022.

II.T.2	24,076.50	Professional & Specialized Services
II.T.2	1,985.93	General Liability Insurance
<b>TM</b>	<u>26,062.43</u>	<b>Total Administrative Expenditures</b>



**SAN JOAQUIN VALLEY WATER INFRASTRUCTURE AUTHORITY**  
**Recommended Budget**  
**For Fiscal Year 2022-23**

<u><b>Fiscal Summary</b></u>	<b>Recommended Budget FY 2022-23</b>
<u><b>Revenues</b></u>	
Fiscal Year 2022-23 Contribution	\$ 31,109
Interest	-
Total Revenues	\$ 31,109
<u><b>Appropriations</b></u>	
Salaries & Benefits	\$ -
Professional & Specialized Services	\$ 23,690
Other Services & Supplies	3,245
Engineering Services	-
Total Appropriations	\$ 26,935
<b>Revenue in Excess of Appropriations</b>	\$ 4,175
<b>Cash carryover from FY21-22 *</b>	\$ 4,798
<b>Fund Balance</b>	\$ 8,973



**SAN JOAQUIN VALLEY WATER INFRASTRUCTURE  
AUTHORITY  
Recommended Line Item Budget  
Fiscal Year 2022-23**

<b>Account Description</b>	<b>Recommended Appropriations 2022-23</b>
Professional & Specialized Services	\$ 23,690
Total Professional & Specialized Services	<u>\$ 23,690</u>
Insurances	2,163
Office Expense	1,030
Postage	52
Total Services and Supplies	<u>\$ 3,245</u>
<b>Total Appropriations</b>	<u><u>\$ 26,935</u></u>

# SAN JOAQUIN VALLEY WATER INFRASTRUCTURE AUTHORITY

## Estimated Professional & Specialized Services FY 2022-23

Title	FY21-22 Budget	FY22-23 Recommended Budget		Difference
Tulare County Counsel	\$ 5,000	\$ 5,150		\$ 150
Fresno County ACTTC	15,000	18,540		3,540
Contract - Audit Services	14,250	-		(14,250)
	\$ 34,250	\$ 23,690		\$ (10,560)

**San Joaquin Valley Water Infrastructure Authority**  
**Fiscal year 2022-23 Revenue Estimates**

**Option 1**

<b>Organization</b>	<b>On behalf of</b>	<b>Percentage</b>	<b>Amount</b>
Fiscal Year 2022-23 Contribution	Tulare County	10%	\$ 3,111
Fiscal Year 2022-23 Contribution	Fresno County	10%	3,111
Fiscal Year 2022-23 Contribution	Madera County	10%	3,111
Fiscal Year 2022-23 Contribution	Merced County	10%	3,111
Fiscal Year 2022-23 Contribution	Kings County	10%	3,111
Fiscal Year 2022-23 Contribution	City of Fresno	10%	3,111
Fiscal Year 2022-23 Contribution	City of Orange Cove	10%	3,111
Fiscal Year 2022-23 Contribution	City of Avenal	10%	3,111
Fiscal Year 2022-23 Contribution	San Joaquin River Exchange Contractors Water Authority	10%	3,111
Fiscal Year 2022-23 Contribution	San Luis & Delta Mendota Water Authority	-	-
Fiscal Year 2022-23 Contribution	Friant Water	10%	3,111
<b>Total Expected Contributions</b>		<b>\$ 31,109</b>	<b>100% \$ 31,109</b>

**Option 2**

<b>Organization</b>	<b>On behalf of</b>	<b>12 months Amount</b>	<b>3 months Amount</b>
Fiscal Year 2022-23 Contribution	Tulare County	11.50%	\$ 3,578
Fiscal Year 2022-23 Contribution	Fresno County	11.50%	3,578
Fiscal Year 2022-23 Contribution	Madera County	11.50%	3,578
Fiscal Year 2022-23 Contribution	Merced County	11.50%	3,578
Fiscal Year 2022-23 Contribution	Kings County	11.50%	3,578
Fiscal Year 2022-23 Contribution	City of Fresno	11.50%	3,578
Fiscal Year 2022-23 Contribution	City of Orange Cove	4.00%	1,244
Fiscal Year 2022-23 Contribution	City of Avenal	4.00%	1,244
Fiscal Year 2022-23 Contribution	San Joaquin River Exchange Contractors Water Authority	11.50%	3,578
Fiscal Year 2022-23 Contribution	Friant Water	11.50%	3,578
<b>Total Expected Contributions</b>		<b>\$ 31,109</b>	<b>100% \$ 31,109</b>

**Option 3**

<b>Organization</b>	<b>On behalf of</b>	<b>Percentage</b>	<b>Amount</b>
Fiscal Year 2022-23 Contribution	Tulare County	11%	\$ 3,422
Fiscal Year 2022-23 Contribution	Fresno County	11%	3,422
Fiscal Year 2022-23 Contribution	Madera County	11%	3,422
Fiscal Year 2022-23 Contribution	Merced County	11%	3,422
Fiscal Year 2022-23 Contribution	Kings County	11%	3,422
Fiscal Year 2022-23 Contribution	City of Fresno	11%	3,422
Fiscal Year 2022-23 Contribution	City of Orange Cove	6%	1,867
Fiscal Year 2022-23 Contribution	City of Avenal	6%	1,867
Fiscal Year 2022-23 Contribution	San Joaquin River Exchange Contractors Water Authority	11%	3,422
Fiscal Year 2022-23 Contribution	Friant Water	11%	3,422
<b>Total Expected Contributions</b>		<b>31,109</b>	<b>100.00% \$ 31,109</b>

# GOVERNING BOARD



2800 Burrel Avenue, Visalia, California 93291  
www.tularecounty.ca.gov

## COUNTIES

### FRESNO COUNTY

SUPERVISOR BUDDY MENDES,  
President

### KINGS COUNTY

SUPERVISOR DOUG VERBOON,  
Vice President

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SUPERVISOR DAVID ROGERS,  
Director

### MERCED COUNTY

SUPERVISOR SCOTT SILVEIRA,  
Director

### TULARE COUNTY

SUPERVISOR LARRY MICARI,  
Director

## CITIES

MAYOR JERRY DYER,  
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STEVE CHEDESTER,  
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Director  
FRIANT WATER AUTHORITY

## MEMBER AT LARGE

STEVE WORTHLEY,  
Director  
SULTANA, TULARE COUNTY

## AGENDA ITEM

**AGENDA DATE:** December 2, 2022

**SUBJECT:** Amendment to the San Joaquin Valley Water Infrastructure Authority Conflict of Interest Code

### **REQUEST:**

That the Board of Directors:

Approve changes in designated officials and employees in the San Joaquin Valley Water Infrastructure Authority Conflict of Interest Code as shown the attached in Appendix "A," and direct the Clerk of the Authority to notify the California Fair Political Practices Commission accordingly.

### **SUMMARY:**

The Political Reform Act, administered by the Fair Political Practices Commission (FPPC), requires local governmental agencies to adopt a Conflict-of-Interest Code and update it from time-to-time to reflect changes in decision-making positions within an agency. This includes newly added positions, deleted positions, or changes in disclosure categories for designated positions.

A Conflict-of-Interest Code is designated to cover members of boards, committees, and similar bodies, and administrative employees who make, or participate in making, government decisions in which the official may have a personal financial interest. Positions designated in an agency's code are required to file a Form 700-Statement of Economic Interests upon appointment to a designated position, upon leaving the position and on a yearly basis while performing the official functions of that position. For this reason, positions designated in the San Joaquin Valley Water Infrastructure Authority Conflict of Interest Code must also be assigned a disclosure category. Disclosure categories describe the types of personal financial interests that the official must disclose in his or her Form 700-Statement of Economic Interests.



In addition, a local governmental agency is required to conduct a review of its Conflict-of-Interest Code every even numbered year. In August 2020, written notices were sent to all local agencies requiring their review of the conflict-of-interest codes applicable to those agencies, and requiring that the agency make recommendations, if any, for changes in the designated positions for that agency.

Attached as Appendix "A" is a revised list of the Authority's designated positions and disclosure categories, deleting reference to the vacated Authority's Executive Director position, and incorporating changes in how consultants to the Authority are treated for disclosure purposes, as recommended by the Authority's legal counsel.

**FISCAL IMPACT/FINANCING:**

There is no Authority cost associated with this request.

**ADMINISTRATIVE SIGN-OFF:**

A handwritten signature in blue ink that reads "Jeffrey L. Kuhn".

\_\_\_\_\_  
Jeffrey L. Kuhn, Chief Deputy County Counsel  
Counsel to Authority

Attachments:

Appendix "A"- 2022 Designated Officials and Employees (Redline)

Appendix "A"- 2022 Designated Officials and Employees (FINAL)

## APPENDIX A

### DESIGNATED OFFICIALS AND EMPLOYEES

<u>Designated Positions</u>	<u>Disclosure Categories</u>
<del>Executive Director</del>	1, 2, 3, 4
<del>Consultants and</del> New Positions	*
<del>Consultants</del>	**

\* ~~Consultants~~/New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in ~~the~~ this conflict-of-interest code, subject to the following limitation:

The ~~Executive Director~~ Board of Directors may determine in writing that a particular ~~consultant~~ or new position, 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 described in this section. Such determination shall include a description of the ~~consultant's or~~ new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The ~~Executive Director's~~ Board of Directors' determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

\*\* Consultants under contract to the Authority generally are not included in this code as designated officials, as they perform a range of duties that is limited in scope. However, the Authority's Board of Directors may determine in writing that a particular consultant is hired to perform a broader range of duties under which the consultant may:

(A) make a governmental decision whether to (i) approve a rate, rule, or regulation; (ii) adopt or enforce a law; (iii) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (iv) authorize the Authority to enter into, modify, or renew a contract provided it is the type of contract that requires Authority approval; (v) grant Authority approval to a contract that requires Authority approval and to which the Authority is a party, or to the specifications for such a contract; (vi) grant Authority approval to a plan, design, report, study, or similar item; (vii) adopt, or grant Authority approval of, policies, standards, or guidelines for the Authority, or for any subdivision thereof; or

(B) serve in a staff capacity with the Authority and in that capacity participate in making a governmental decision as defined in FPPC regulation 18702.2\* or perform the same or substantially all the same duties for the Authority that would otherwise be performed by an individual holding a position specified in this conflict of interest code.

If this determination is made, then that consultant shall be required to disclose under this code pursuant to the broadest appropriate Disclosure Category. Such written determination shall

include a description of the consultant's duties, and based upon that description, a statement of the extent of the disclosure requirements. The written determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

\* FPPC Regulation 18702.2 provides:

"A public official 'participates in making a governmental decision ...' ... when, acting within the authority of his or her position, the official:

(a) Negotiates, without significant substantive review, with a governmental entity or private person regarding a governmental decision referenced in Title 2, California Code of Regulations, section 18701(a)(2)(A); or

(b) Advises or makes recommendations to the decisionmaker either directly or without significant intervening substantive review, by:

(1) Conducting research or making any investigation which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision referenced in Title 2, California Code of Regulations, section 18701(a)(2)(A); or

(2) Preparing or presenting any report, analysis, or opinion, orally, or in writing, which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision ..."

Note: The following positions are not covered by this conflict-of-interest code because they manage public funds and must file under Government Code Section 87200 and therefore are listed for in-formational purposes only:

- Members of the Board of Directors and Alternates
- Auditor/Treasurer

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination on whether a position is covered by Government Code Section 8 7200.

## APPENDIX A

### DESIGNATED OFFICIALS AND EMPLOYEES

<u>Designated Positions</u>	<u>Disclosure Categories</u>
-----------------------------	------------------------------

New Positions	*
Consultants	**

\* New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in this conflict-of-interest code, subject to the following limitation:

The Board of Directors may determine in writing that a particular new position, although a "designated employee," 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 described in this section. Such determination shall include a description of the new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Board of Directors' determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

\*\* Consultants under contract to the Authority generally are not included in this code as designated officials, as they perform a range of duties that is limited in scope. However, the Authority's Board of Directors may determine in writing that a particular consultant is hired to perform a broader range of duties under which the consultant may:

(A) make a governmental decision whether to (i) approve a rate, rule, or regulation; (ii) adopt or enforce a law; (iii) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (iv) authorize the Authority to enter into, modify, or renew a contract provided it is the type of contract that requires Authority approval; (v) grant Authority approval to a contract that requires Authority approval and to which the Authority is a party, or to the specifications for such a contract; (vi) grant Authority approval to a plan, design, report, study, or similar item; (vii) adopt, or grant Authority approval of, policies, standards, or guidelines for the Authority, or for any subdivision thereof; or

(B) serve in a staff capacity with the Authority and in that capacity participate in making a governmental decision as defined in FPPC regulation 18702.2\* or perform the same or substantially all the same duties for the Authority that would otherwise be performed by an individual holding a position specified in this conflict of interest code.

If this determination is made, then that consultant shall be required to disclose under this code pursuant to the broadest appropriate Disclosure Category. Such written determination shall include a description of the consultant's duties, and based upon that description, a statement of the extent of the disclosure requirements. The written determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.



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