

**NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE  
OF THE BAY AREA WATER SUPPLY AND CONSERVATION AGENCY AND THE  
SAN FRANCISCO BAY AREA REGIONAL WATER SYSTEM FINANCING AUTHORITY**

NOTICE IS HEREBY GIVEN that the Bay Area Water Supply and Conservation Agency (BAWSCA) and San Francisco Bay Area Regional Water Financing Authority (RFA), pursuant to the authority granted by section 87306 of the Government Code, propose to amend their conflict of interest code (Code). A 45-day comment period has been established commencing on **February 9, 2022 and closing on March 25, 2022**. All inquiries and comments should be directed to the contact listed below.

BAWSCA and RFA proposes to amend the Code to add one (1) new employee position that involves the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons than the proposed amendment.

The sole change to the Code is the addition of the position, Senior Water Resources Engineer to the Designated Positions with Disclosure Categories of 1 and 3.

The proposed amendment and explanation of the reasons can be obtained from the BAWSCA and RFA contact listed below.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **March 25, 2022**, or at the conclusion of the public hearing, if requested, whichever comes later, to the contact listed below. At this time, no public hearing is scheduled. A person may request a public hearing on this proposed amendment no later than **March 10, 2022**, by submitting a request to the contact listed below.

BAWSCA and RFA have determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: **Lourdes Enriquez, Assistant to the CEO/General Manager, 650-349-3000, [lenriquez@bawsca.org](mailto:lenriquez@bawsca.org), or 155 Bovet Road, Suite 650, San Mateo, California 94402.**

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY**

**CONFLICT OF INTEREST CODE**

Adopted on September 24, 2003 by Resolution No. 2003-2  
Approved by the California Fair Political Practices Commission  
on January 20, 2004

Appendix Amended November 18, 2004 by Resolution No. 2004-08  
Approved by the California Fair Political Practices Commission on July 25, 2005

Appendix Amended September 16, 2010 by Resolution No. 2010-01

Amended and Approved by the California Fair Political Practices Commission on May 5, 2015  
Accepted by the BAWSCA Board of Directors on May 21, 2015

Amended and Approved by the California Fair Political Practices Commission on September 7, 2018

**CONFLICT-OF-INTEREST CODE FOR  
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The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Bay Area Water Supply and Conservation Agency (BAWSCA)** and **San Francisco Bay Area Regional Water System Financing Authority (RFA)**.

Individuals holding designated positions shall file their statements of economic interests with **BAWSCA**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All original statements will be retained by **BAWSCA**.

Note: RFA is administratively run by BAWSCA.

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**APPENDIX A  
DESIGNATED POSITIONS**

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Attorney, BAWSCA	1, 2, 3
Office Manager, BAWSCA	1
Finance Manager, BAWSCA	1
Senior Water Resources Specialist, BAWSCA	1, 3
<u>Senior Water Resources Engineer, BAWSCA</u>	<u>1,3</u>
Water Resources Specialist, BAWSCA	1, 3
Water Resources Manager, BAWSCA	1, 3
Consultants/New Positions	*

\*Consultants/New Positions 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 CEO/General Manager may determine in writing that a particular consultant/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 fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's/new position’s duties and, based on that description, a statement of the extent of the disclosure requirements. The CEO’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. (Gov. Code Sec. 81008).

Note: The position of Attorney is held by an outside consultant, but acts in a staff capacity.

## **Public Officials Who Manage Public Investments**

The following positions are NOT designated in BAWSCA and RFA's Conflict-of-Interest Code because they must file under Government Code Section 87200, and therefore, are listed for informational purposes only:

- Members, Board of Directors, BAWSCA
- CEO/General Manager, BAWSCA
- Members, Board of Directors, RFA
- General Manager, RFA
- Secretary, RFA
- Financial Officer, RFA

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 whether a position is covered by section 87200.

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**APPENDIX B  
DISCLOSURE CATEGORIES**

**Disclosure Category 1**

Designated positions in this category must disclose all investments and business positions in business entities, and all sources of income (including receipt of gifts, loans, and travel payments), from businesses of the type to contract with BAWSCA to provide services, supplies, materials, commodities, books, machinery, vehicles or equipment utilized by BAWSCA.

**Disclosure Category 2**

Designated positions in this category must disclose interests in real property, located in whole or in part within the boundaries of BAWSCA, or within two miles of the boundaries of BAWSCA, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

**Disclosure Category 3**

Designated positions in this category must disclose all investments and business positions in business entities, and all sources of income (including receipt of gifts, loans, and travel payments), entities of the type to receive grants from or through BAWSCA.