



# Yorba Linda Water District

**AGENDA**  
**YORBA LINDA WATER DISTRICT**  
**PUBLIC FINANCING CORPORATION SPECIAL MEETING**  
**Tuesday, August 22, 2017, 6:20 PM**  
**1717 E Miraloma Ave, Placentia CA 92870**

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**1. CALL TO ORDER**

**2. ROLL CALL**

J. Wayne Miller, President  
Al Nederhood, Vice President  
Andrew J. Hall, Director  
Phil Hawkins, Director  
Brooke Jones, Director

**3. PUBLIC COMMENTS**

Any individual wishing to address the Board is requested to identify themselves and state the matter on which they wish to comment. If the matter is on the agenda, the Board will recognize the individual for their comment when the item is considered. No action will be taken on matters not listed on the agenda. Comments are limited to matters of public interest and matters within the jurisdiction of the Water District. Comments are limited to three minutes.

**4. ACTION CALENDAR**

This portion of the agenda is for items where staff presentations and Board discussions are needed prior to formal Board action.

**4.1. Minutes of the Public Financing Corporation Regular Meeting Held December 8, 2016**

*Recommendation: That the Board of Directors approve the minutes as presented.*

**4.2. Adding the Position of Assistant General Manager to the Public Financing Corporation's Conflict of Interest Code**

*Recommendation: That the Board of Directors approve Resolution No. PFC-17-01 adopting a Conflict of Interest Code for the Public Financing Corporation and rescinding Resolution No. PFC-16-01.*

**5. ADJOURNMENT**

**5.1.** The next regular meeting of YLWD's Public Financing Corporation is scheduled to be held Tuesday, December 12, 2017 at 6:20 p.m.

**Items Distributed to the Board Less Than 72 Hours Prior to the Meeting**

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for

public inspection in the lobby of the District's business office located at 1717 E. Miraloma Avenue, Placentia, CA 92870, during regular business hours. When practical, these public records will also be made available on the District's internet website accessible at <http://www.ylwd.com/>.

### **Accommodations for the Disabled**

Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning the Executive Secretary at 714-701-3020, or writing to Yorba Linda Water District, P.O. Box 309, Yorba Linda, CA 92885-0309. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so the District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

## AGENDA REPORT

ITEM NO. 4.1

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**Meeting Date:** August 22, 2017

**Subject:** Minutes of the Public Financing Corporation Regular Meeting Held December 8, 2016

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### STAFF RECOMMENDATION:

That the Board of Directors approve the minutes as presented.

### ATTACHMENTS:

Name:	Description:	Type:
<a href="#">2016-12-08 - Minutes - PFC.doc</a>	Minutes	Minutes

**MINUTES OF THE  
YORBA LINDA WATER DISTRICT  
PUBLIC FINANCING CORPORATION REGULAR MEETING  
Thursday, December 8, 2016, 8:30 a.m.  
1717 E Miraloma Ave, Placentia CA 92870**

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**1. CALL TO ORDER**

The December 8, 2016 Regular Meeting of the Yorba Linda Water District Public Financing Corporation was called to order by Director Miller at 12:03 p.m. The meeting was held in the Board Room at the District's Administration Building located at 1717 East Miraloma Avenue in Placentia, California 92870.

**2. ROLL CALL**

**DIRECTORS PRESENT**

Andrew Hall, Director  
Phil Hawkins, Director  
Brooke Jones, Director  
Wayne Miller, Director  
Al Nederhood, Director

**ALSO PRESENT**

Marc Marcantonio, General Manager  
Steve Conklin, Engineering Manager  
John DeCriscio, Operations Manager  
Delia Lugo, Finance Manager  
Art Vega, Information Technology Manager  
Annie Alexander, Executive Secretary

**ALSO PRESENT**

Andrew Gagen, Partner, Kidman Law LLP

**3. SEATING OF DIRECTORS**

**3.1. Reorganization of the Board of Directors and Appointment of Officers**

Mr. Marcantonio explained that pursuant to Resolution No. 16-12, the officers of the District also serve as the officers of the Public Financing Corporation and are to be updated annually following the reorganization of the Board of Directors. The powers and duties of the Corporation's officers are the same as the District's officers as set forth in the County Water District Law and the Board of Directors' Policies and Procedures.

*Director Hall made a motion, seconded by Director Hawkins, to elect Director Miller as President, Director Nederhood as Vice President, Mr. Marcantonio as Secretary, Ms. Alexander as Assistant Secretary, and Mrs. Lugo as Treasurer for the next calendar year. Motion carried 5-0.*

**4. PUBLIC COMMENTS**

None.

**5. ACTION CALENDAR**

- 5.1.** Minutes of the Public Financing Corporation Regular Meeting Held December 10, 2015

*Director Hawkins made a motion, seconded by Director Hall, to approve the minutes as presented. Motion carried 5-0.*

- 5.2.** Amendments to the Public Financing Corporation's Conflict of Interest Code

*Director Hawkins made a motion, seconded by Director Miller, to approve Resolution No. PFC-16-01 Adopting a Conflict of Interest Code for the Yorba Linda Water District Public Financing Corporation which Supersedes all Prior Conflict of Interest Codes and Amendments Previously Adopted. Motion carried 5-0 on a Roll Call vote.*

**6. ADJOURNMENT**

- 6.1.** The meeting was adjourned at 12:07 p.m. The next regular meeting of the Public Financing Corporation will be held Thursday, December 7, 2017 at 8:30 a.m.

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Annie Alexander  
Assistant Board Secretary

## AGENDA REPORT

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**Meeting Date:** August 22, 2017

**To:** Board of Directors

**From:** Marc Marcantonio, General Manager

**Presented By:** Marc Marcantonio, General Manager      **Dept:** Administration

**Prepared By:** Annie Alexander, Executive Assistant

**Subject:** Adding the Position of Assistant General Manager to the Public Financing Corporation's Conflict of Interest Code

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**STAFF RECOMMENDATION:**

That the Board of Directors approve Resolution No. PFC-17-01 adopting a Conflict of Interest Code for the Public Financing Corporation and rescinding Resolution No. PFC-16-01.

**DISCUSSION:**

In compliance with Section 81000 et. seq. of the California Government Code, the Board of Directors of the Public Financing Corporation (PFC) has adopted a Conflict of Interest Code (Code) governing the disclosure of financial interests by certain designated employees.

The newly created position of Assistant General Manager will have the authority to manage public investments as specified in Section 87200 in the California Government Code, and as such needs to be identified in Exhibit A of the PFC's Code. The attached exhibit reflects this modification.

Following adoption by the Board, a copy of the Resolution and updated Code must be submitted for review and approval by the Orange County Board of Supervisors, after which it will be considered in effect.

In the interim, the District has completed an Agency Report of New Positions (Form 804) and the Assistant General Manager has filed an Assuming Office Statement (Form 700) for the PFC with the Clerk of the Orange County Board of Supervisors.

**PRIOR RELEVANT BOARD ACTION(S):**

The PFC's Conflict of Interest Code was last updated on December 8, 2016 by Resolution No. PFC-16-01.

**ATTACHMENTS:**

Name:	Description:	Type:
<a href="#">Resolution No. PFC-17-01 - Conflict of Interest Code.docx</a>	Resolution	Resolution
<a href="#">YLWD PFC COI Update.pdf</a>	Exhibit	Exhibit

**RESOLUTION NO. PFC-17-01**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE YORBA LINDA WATER DISTRICT  
PUBLIC FINANCING CORPORATION  
ADOPTING A CONFLICT OF INTEREST CODE AND  
RESCINDING RESOLUTION NO. PFC-16-01**

**WHEREAS,** the Political Reform Act of 1974, Government Code Section 81000 et. seq. (“the Act”), requires a local government agency to adopt a Conflict of Interest Code pursuant to the Act; and

**WHEREAS,** the Yorba Linda Water District Public Financing Corporation has previously adopted a Conflict of Interest Code and that Code now requires updating; and

**WHEREAS,** amendments to the Act have in the past and foreseeably will in the future require conforming amendments to be made to the Conflict of Interest Code; and

**WHEREAS,** the Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, Section 18730, which contains terms for a standard model Conflict of Interest Code, which, together with amendments thereto, may be adopted by public agencies and incorporated by reference to save public agencies time and money by minimizing the actions required of such agencies to keep their codes in conformity with the Political Reform Act.

**NOW THEREFORE BE IT RESOLVED** by the Board of Directors of the Yorba Linda Water District Public Financing Corporation as follows:

**Section 1.** The terms of Title 2, California Code of Regulations, Section 18730 (Attachment A) and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, together

with Exhibits A and B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Yorba Linda Water District Public Financing Corporation.

**Section 2.** That Resolution No. PFC-16-01 is hereby rescinded.

**Section 3.** The Filing Officer is hereby authorized to forward a copy of this Resolution to the Clerk of the Orange County Board of Supervisors for review and approval by the Orange County Board of Supervisors as required by California Government Code Section 87303.

**PASSED AND ADOPTED** this 22<sup>nd</sup> day of August 2017 by the following called vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
J. Wayne Miller, Ph.D., President  
YLWD Public Financing Corporation

ATTEST:

\_\_\_\_\_  
Marc Marcantonio, Board Secretary  
YLWD Public Financing Corporation

Reviewed as to form by General Counsel:

\_\_\_\_\_  
Andrew B. Gagen, Esq.  
Kidman Law LLP



## **ATTACHMENT A**

### **CONFLICT OF INTEREST CODE FOR THE YORBA LINDA WATER DISTRICT PUBLIC FINANCING CORPORATION**

The Political Reform Act, Government Code Sections 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 Cal. Code of Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it 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 Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Yorba Linda Water District Public Financing Corporation.

Designated employees shall file statements of economic interests with the Yorba Linda Water District Public Financing Corporation's Political Reform Act Filing Officer, Board Secretary, who will make the statements available for public inspection and reproduction (Government Code Section 82008).

Upon receipt of the statements of Members of the Board of Directors, General Manager (Secretary), Assistant General Manager, Finance Manager (Treasurer), and General Counsel, the Yorba Linda Water District Public Financing Corporation's Filing Officer shall make and retain a copy and forward the original of these statements to the Clerk of the Orange County Board of Supervisors as the Filing Officer for these designated positions.

Statements for all other designated employees will be retained by the Yorba Linda Water District Public Financing Corporation's Filing Officer.



# Conflict of Interest Code EXHIBIT A (Final Draft)

Entity: Water Districts

Agency: Yorba Linda Water District Public Financing Corporation

Position	Disclosure Category	Files With	Status
Consultant	OC-30	Agency	Unchanged
General Counsel	OC-01	COB	Unchanged

**Total: 2**

### OFFICIALS WHO ARE SPECIFIED IN GOVERNMENT CODE SECTION 87200

Officials who are specified in Government Code section 87200 (including officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701 (b)), are NOT subject to the Agency's Conflict of Interest Code, but are subject to the disclosure requirements of the Political Reform Act, Government Code section 87100, et seq. Gov't Code § 87203. These positions are listed here for informational purposes only.

The positions listed below are officials who are specified in Government Code section 87200:

<b>Assistant General Manager</b>	<b>Files with</b>	<b>COB</b>	<b>Added</b>
<b>Reason:</b> Newly created position.			
Finance Manager (Treasurer)	Files with	COB	Unchanged
General Manager (Secretary)	Files with	COB	Unchanged
Member of the Board of Directors	Files with	COB	Unchanged

The disclosure requirements for these positions are set forth in Government Code section 87200, et. seq. They require the disclosure of interests in real property in the agency's jurisdiction, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B (Final Draft)

**Entity:** Water Districts

**Agency:** Yorba Linda Water District Public Financing Corporation

Disclosure Category	Disclosure Description	Status
87200 Filer	Form 87200 filers shall complete all schedules for Form 700 and disclose all reportable sources of income, interests in real property, investments and business positions in business entities, if applicable, pursuant to Government Code Section 87200 <i>et seq.</i> .	Unchanged
OC-01	All interests in real property in Orange County, the authority or the District as applicable, as well as investments, business positions and sources of income (including gifts, loans and travel payments).	Unchanged
OC-30	Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation: The County Department Head/Director/General Manager/Superintendent/etc. may determine 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 written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure required. The determination of disclosure is a public record and shall be filed with the Form 700 and retained by the Filing Officer for public inspection.	Unchanged

**Grand Total: 3**



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Agency: Yorba Linda Water District Public Financing Corporation

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Consultant	OC-30	Agency
General Counsel	OC-01	COB

**Total: 2**

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The positions listed below are officials who are specified in Government Code section 87200:

Assistant General Manager	Files with	COB
Finance Manager (Treasurer)	Files with	COB
General Manager (Secretary)	Files with	COB
Member of the Board of Directors	Files with	COB

The disclosure requirements for these positions are set forth in Government Code section 87200, et. seq. They require the disclosure of interests in real property in the agency's jurisdiction, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



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OC-01	All interests in real property in Orange County, the authority or the District as applicable, as well as investments, business positions and sources of income (including gifts, loans and travel payments).
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**Grand Total: 3**