

**PALMDALE RECYCLED WATER AUTHORITY (PRWA)  
PALMDALE WATER DISTRICT  
2029 EAST AVENUE Q  
PALMDALE, CALIFORNIA  
REGULAR MEETING AGENDA NO. 9  
NOVEMBER 20, 2013  
7:00 P.M.**

[www.cityofpalmdale.org](http://www.cityofpalmdale.org)  
[www.palmdalewater.org](http://www.palmdalewater.org).

**WELCOME**

**NOTE:** Materials related to an item on this Agenda submitted to the Palmdale Recycled Water Authority Board of Directors, or after distribution of the agenda packet, are available for public inspection at the City of Palmdale City Hall, located at 38300 Sierra Highway, Suite A, Palmdale, California, and at the Palmdale Water District, 2029 East Avenue Q, Palmdale, California during normal business hours and will also be available at the meeting. Those items provided by others at the meeting will be available at City Hall during normal business hours.

A **three-minute time limit** will be imposed on all speakers other than staff members.

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Palmdale Water District at least 48 hours prior to the meeting.

**Your courtesy is requested to help our meeting run smoothly. If you'll be kind enough to follow these simple rules, we can make the best possible use of your time and ours:**

- Please refrain from public displays or outbursts such as unsolicited applause, comments, cheering, foul language, or obscenities.
- Any disruptive activities that substantially interfere with the ability of the Board of Directors to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Please turn off cell phones and pagers.

**1. CALL TO ORDER.**

2. **ROLL CALL: DIRECTORS JAMES C. LEDFORD, JR., GORDON DEXTER, LAURA BETTENCOURT, KATHRYN MAC LAREN, AND HELEN GONZALEZ**

3. **PLEDGE OF ALLEGIANCE.**

4. Adopt Resolution No. PRWA 2013-018, a Resolution of the Palmdale Recycled Water Authority Appointing officers for 2014. (Staff Reference: Authority Counsel Ditzhazy)

***Call for Public Comments***

**Staff Recommendation:** Move to adopt Resolution No. PRWA 2013-018. (Vote by Roll Call - Requires a majority to adopt.)

5. **WAIVER OF FULL READING OF RESOLUTION(S).**

**Motion:** Move to waive full reading of the Resolution(s) to be considered and voted on at this meeting. (Vote by Roll Call - Requires a majority to waive.)

6. **CONSENT CALENDAR – PUBLIC COMMENTS ONLY:** If you wish to comment on any item(s) listed on the Consent Calendar on this agenda, please come forward to the podium and state the item number(s) and your comments. **PLEASE NOTE: A three-minute time limit** will be imposed on each speaker other than staff members.

7. **CONSENT CALENDAR:**

**NOTICE:** All matters listed under the Consent Calendar will be enacted by one motion unless an item(s) is pulled by the Board, in which case the item(s) will be removed from the Calendar and will be considered separately following this portion of the Agenda.

- 7.1 Adopt Resolution No. PRWA 2013-016, a Resolution of the Palmdale Recycled Water Authority amending its conflict of interest code. (Staff Reference: Authority Counsel Ditzhazy)

- 7.2 Adopt Resolution No. PRWA 2013-017, a Resolution of the Palmdale Recycled Water Authority adopting job descriptions for the Executive Director, Assistant Executive Director, and the Treasurer/Auditor. (Staff Reference: Authority Counsel Ditzhazy)

- 7.3 Authorize the Board Chair to execute an attorney conflict of interest waiver with James D. Ciampa, Esquire and Lagerlof, Senecal, Gosney & Kruse, LLP. (Staff Reference: Authority Counsel Ditzhazy)
- 7.4 Approve the Minutes from the previous meeting held on September 18, 2013. (Staff Reference: Secretary Smith)
- 7.5 Approve receipt and filing of the Treasurer's Report for the month ended September 30, 2013. (Staff Reference: Treasurer/Auditor Johnston)

**Staff Recommendation:** Move to approve the recommendations and findings on all items listed under this Consent Calendar. (**Vote by Roll Call** - Requires a majority to approve.)

- 8. **PUBLIC COMMENTS:** This portion of the Agenda allows an individual the opportunity to address the Board of Directors on any subject regarding Palmdale Recycled Water Authority business. Under state legislation, no action can be taken on items not specifically referenced on the Agenda. **PLEASE NOTE: A three-minute time limit** will be imposed on each speaker other than staff members.

9. **SPECIAL REPORT:**

- 9.1 Informational report on the status of the City of Palmdale General Municipal Election on November 5, 2013 and the effect on the Palmdale Recycled Water Authority. (Staff Reference: Authority Counsel Ditzhazy)

10. **INFORMATIONAL REPORT OF THE BOARD OF DIRECTORS, EXECUTIVE DIRECTOR, AND ASSISTANT EXECUTIVE DIRECTOR.**

- 11. **ADJOURNMENT** to \_\_\_\_\_, 201\_\_ at 7:00 p.m. at the City of Palmdale Council Chambers located at 38300 Sierra Highway, Suite B, Palmdale, California.

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Complete packets can be viewed at City Hall, located at 38300 Sierra Highway, Suite A, Palmdale, California; Palmdale Water District, 2029 East Avenue Q, Palmdale, California, and the Main Library, located at 700 East Palmdale Boulevard, Palmdale, California. You can also view the Agenda for the Palmdale Recycled Water Authority on the City's website at [www.cityofpalmdale.org](http://www.cityofpalmdale.org) or the Palmdale Water District website at [www.palmdalewater.org](http://www.palmdalewater.org).

Thank you for attending your Palmdale Recycled Water Authority meeting. If you have any further questions, please contact the Secretary's Office at (661) 267-5151, Monday through Thursday, 7:30 a.m. to 6:00 p.m., closed every Friday.

# PALMDALE RECYCLED WATER AUTHORITY

## BOARD MEMORANDUM

**DATE:** November 12, 2013  
**TO:** BOARD OF DIRECTORS  
**FROM:** Wm. Matthew Ditzhazy, Authority Counsel  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

November 20, 2013

Board Meeting

**RE:** *AGENDA ITEM NO. 4 – CONSIDERATION AND POSSIBLE ACTION ON  
RESOLUTION NO. PRWA 2013-018 – A RESOLUTION OF THE PALMDALE  
RECYCLED WATER AUTHORITY APPOINTING OFFICERS*

### **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends adoption of Resolution No. PRWA 2013-018 Appointing Officers of the Palmdale Recycled Water Authority for 2014

### **Background:**

As the Board knows, the City of Palmdale and the Palmdale Water District are rotating some of the duties of officers on an annual basis. This resolution sets forth the appointments for 2014 as follows: Dennis LaMoreaux as Executive Director, Michael Mischel as Assistant Executive Director, James D. Ciampa, Esq. of Lagerlof, Senecal, Gosney & Kruse (contingent on approval of a conflict of interest waiver – Item 7.3 on tonight's agenda), Dawn Deans as Board Secretary and Karen Johnston as both Treasurer and Auditor. The terms for said officers will all commence on January 1, 2014 and run until December 31, 2014 or until their respective successors are appointed. PRWA Resolution No. 2013-018 also authorizes each officer to name assistants that may act at their direction and in their capacity as needed.

### **Financial Impact:**

As the above named officers are either employees or contractors of their respective JPA Members, their salaries or contract payments are being covered by those Members. There is no charge or payment to or by the PRWA for their services, hence no fiscal impact.

### **Supporting Documents:**

Proposed PRWA Resolution No. PRWA 2013-018

**PALMDALE RECYCLED WATER AUTHORITY**

**RESOLUTION PRWA 2013-018**

**A RESOLUTION OF THE PALMDALE RECYCLED WATER AUTHORITY  
APPOINTING OFFICERS**

WHEREAS, Section 4.12 of the Joint Exercise of Powers Agreement creating the Palmdale Recycled Water Authority (hereinafter "Agreement") authorizes the Board of Directors to appoint a Secretary who shall be responsible for keeping the minutes and other records of the Authority and performing such other duties as specified by the Board; and

WHEREAS, Section 4.13 of the Agreement authorizes the Board of Directors to appoint a Treasurer who shall act as the depositary of the Authority and have custody of all the money of the Authority, from whatever source, and as such, shall have all of the duties and responsibilities specified in Section 6505.5 of the Joint Exercise of Powers Act; and

WHEREAS, Section 4.13 of the Agreement authorizes the Board of Directors to appoint an Auditor who may also act as the Treasurer; and

WHEREAS, Section 4.14 of the Agreement authorizes the Board of Directors to appoint an Executive Director and other staff as deemed necessary by the Board of Directors.

WHEREAS, Section 4.20 of the Agreement authorizes the Board of Directors to retain and appoint legal counsel for the Authority.

WHEREAS, the Agreement authorizes the Board to alternate officers between the two Members as the Board sees fit in its discretion.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** The Authority Board appoints the following individuals as its officers for FY 2014 and said officers will hold those offices commencing on January 1, 2014 through December 31, 2014 or until their respective successors are appointed whichever is later.

**Section 2.** Dennis LaMoreaux is re-appointed Executive Director.

**Section 3.** Michael Mischel is re-appointed Assistant Executive Director. The Assistant Executive Director may act as Acting Executive Director in the absence of the Executive Director.

**Section 4.** James D. Ciampa, Esq. is appointed Authority Counsel. James D. Ciampa may appoint an Assistant Authority Counsel who may act as Acting Authority Counsel in the absence of the Authority Counsel.

**Section 5.** Karen Johnston is appointed Auditor and Treasurer. Karen Johnston may appoint an Assistant Treasurer or Assistant Auditor who may act as Acting Treasurer or Assistant Auditor, as the case may be, in the absence of the Treasurer or Auditor.

**Section 7.** Dawn Deans is appointed Secretary. Ms. Deans may appoint an Assistant Secretary who may act as Acting Secretary in the absence of the Secretary.

PASSED, APPROVED and ADOPTED this 20th day of November, 2013, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
James C. Ledford, Jr.,  
Chair

ATTEST:

\_\_\_\_\_  
Rebecca Smith,  
Authority Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wm. Matthew Ditzhazy,  
Authority Counsel

# PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM

**DATE:** November 20, 2013  
**TO:** BOARD OF DIRECTORS  
**FROM:** Mr. Wm. Matthew Ditzhazy, Authority Counsel, PRWA  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

November 20, 2013

Board Meeting

**RE:** *AGENDA ITEM NO. 7.1 – CONSIDERATION AND POSSIBLE ACTION ON  
RESOLUTION PRWA 2013-016 AMENDING THE PRWA CONFLICT OF  
INTEREST CODE*

## **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends adoption of Resolution PRWA 2013-016 amending the PRWA Conflict of Interest Code.

## **Background:**

Under the Political Reform Act, all public agencies are required to adopt and promulgate a Conflict of Interest Code. A Conflict of Interest Code designates positions required to file Statements of Economic Interests, and assigns disclosure categories specifying the types of interests to be reported. The Statement of Economic Interests is intended to alert the members of the public agency and members of the public to the types of financial interests that may create conflicts of interests. In February, the PRWA adopted a Conflict of Interest Code. Since that time, other designated positions have been identified that must be included in the Conflict of Interest Code. Staff recommends that the Palmdale Recycled Water Authority adopt Resolution PRWA 2013-016, which would amend and update the PRWA's Conflict of Interest Code.

## **Financial Impact:**

There is no financial impact.

## **Supporting Documents:**

Proposed Resolution PRWA 2013-016.

## **RESOLUTION NO. PRWA 2013-016**

### **A RESOLUTION OF THE PALMDALE RECYCLED WATER AUTHORITY AMENDING ITS CONFLICT OF INTEREST CODE**

WHEREAS, The Palmdale Recycled Water Authority has adopted a conflict of interest code as required by The Political Reform Act, Government Code Section 81000, et seq.; and

WHEREAS, The Palmdale Recycled Water Authority has reviewed its conflict of interest code and determined that it requires amendment; and

WHEREAS, The Palmdale Recycled Water Authority desires to amend its conflict of interest code by replacing its current conflict of interest code, adopted by Resolution PRWA 2013-001.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Resolution PRWA 2013-001 is repealed in its entirety.

Section 2. The Fair Political Practices Commission has adopted a Model Conflict of Interest Code ("Model Code"). The Model Code, codified at 2 California Code of Regulations Section 18730, can be incorporated by reference by the Authority as its conflict of interest code. That Model Code will be amended by the Fair Political Practices Commission from time to time to conform to amendments to the Political Reform Act.

Section 3. The Model Code, attached hereto as Exhibit "A" and any amendments to it duly adopted by the Fair Political Practices Commission, and Appendix "A" which sets forth the designated positions and the disclosure categories for each position of the Authority are hereby incorporated by reference and shall constitute the Conflict of Interest Code for the Palmdale Recycled Water Authority.

Section 4. Persons holding designated positions listed in Appendix "A" shall file Statements of Economic Interest pursuant to Section 5 of the Conflict of Interest Code with the information required for the disclosure category assigned

to them. The Statements of Economic Interest shall be filed with the Clerk of the Authority. The Clerk of the Authority shall retain the original Statements of Economic Interest as required by law, and shall make such documents available for public inspection and reproduction.

Section 5. The Clerk of the Authority shall certify to the passage and adoption of this Resolution and direct this conflict of interest code to the Los Angeles County Board of Supervisors, the Authority's code reviewing body, for review and approval.

PASSED, APPROVED and ADOPTED this 20th day of November, 2013,  
by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

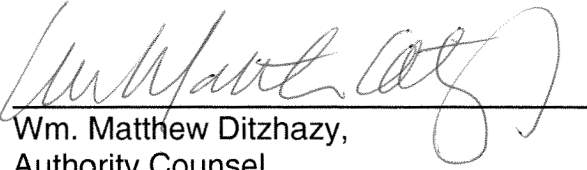
ABSTAIN : \_\_\_\_\_ ABSENT : \_\_\_\_\_

\_\_\_\_\_  
James C. Ledford, Jr.,  
Chair

ATTEST:

\_\_\_\_\_  
Rebecca Smith,  
Authority Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wm. Matthew Ditzhazy,  
Authority Counsel

**APPENDIX "A"**  
**PALMDALE RECYCLED WATER AUTHORITY**  
**POSITIONS COVERED**

<u>Designated Positions</u>	<u>Disclosure Categories</u>
City of Palmdale Authority Member	1, 2, and 3
Palmdale Water District Authority Member	1, 2, and 3
At-Large Authority Member	1, 2, and 3
Executive Director	1, 2, and 3
Assistant Executive Director	1, 2, and 3
Authority Attorney	1, 2, and 3
Assistant Authority Attorney	1, 2, and 3
Finance Director / Auditor	1, 2, and 3
Consultant	4

**APPENDIX "A"**  
**PALMDALE RECYCLED WATER AUTHORITY**  
**DISCLOSURE CATEGORIES**

1. Persons in this category shall disclose all interests in real property within the jurisdiction of the Palmdale Recycled Water Authority. 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 Palmdale Recycled Water Authority. Persons are not required to disclose property used primarily as their residence.
2. Persons in this category shall disclose all investments and all business positions.
3. Persons in this category shall disclose all income, including gift and loans received.
4. Individuals who perform under contract the duties of any designated position shall be required to file Statements of Economic Interest disclosing reportable interest(s) in the categories assigned to that designated position. In addition, individuals who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the Authority which could affect financial interest shall be required to file Statements of Economic Interest, unless they fall within the Political Reform Act's exceptions to the definition of consultant. The level of disclosure shall be determined by the Executive Director.

# **Exhibit A**

## **2 Cal. Code of Regulations Section 18730**

**As of December 18, 2012**

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 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 i</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.

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<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).

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# PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM

**DATE:** November 20, 2013 **November 20, 2013**  
**TO:** BOARD OF DIRECTORS **Board Meeting**  
**FROM:** Mr. Wm. Matthew Ditzhazy, Authority Counsel, PRWA  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

**RE:** *AGENDA ITEM NO. 7.2 – CONSIDERATION AND POSSIBLE ACTION ON  
RESOLUTION PRWA 2013-017 ADOPTING JOB DESCRIPTIONS FOR THE  
EXECUTIVE DIRECTOR, ASSISTANT EXECUTIVE DIRECTOR AND  
TREASURER*

## **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends adoption of Resolution PRWA 2013-017 adopting job descriptions for the Executive Director, Assistant Executive Director, and Treasurer.

## **Background:**

The Palmdale Recycled Water Authority has appointed an Executive Director, Assistant Executive Director, and Treasurer to perform certain functions for the Palmdale Recycled Water Authority. Proposed Resolution PRWA 2013-017 would formalize the qualifications and duties of these positions.

## **Financial Impact:**

There is no financial impact.

## **Supporting Documents:**

Proposed Resolution PRWA 2013-017.

**PALMDALE RECYCLED WATER AUTHORITY**

**RESOLUTION PRWA 2013-017**

**A RESOLUTION OF THE PALMDALE RECYCLED WATER AUTHORITY ADOPTING  
JOB DESCRIPTIONS FOR THE EXECUTIVE DIRECTOR, ASSISTANT EXECUTIVE  
DIRECTOR AND TREASURER/AUDITOR**

WHEREAS, the Palmdale Recycled Water Authority has appointed an Executive Director, Assistant Executive Director, and Treasurer; and

WHEREAS, the Palmdale Recycled Water Authority desires to outline the qualifications and duties of these positions.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** The Job Description of the Executive Director, attached to this resolution as Exhibit A, is approved and adopted.

**Section 2.** The Job Description of the Assistant Executive Director, attached to this resolution as Exhibit B, is approved and adopted.

**Section 3.** The Job Description of the Treasurer / Auditor, attached to this resolution as Exhibit C, is approved and adopted.

PASSED, APPROVED and ADOPTED this 20th day of November, 2013, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

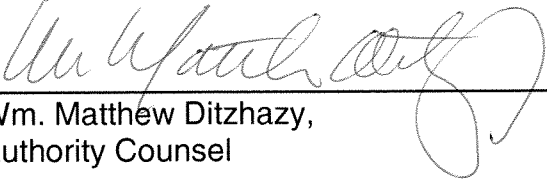
ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
James C. Ledford, Jr.,  
Chair

ATTEST:

\_\_\_\_\_  
Rebecca Smith,  
Authority Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wm. Matthew Ditzhazy,  
Authority Counsel

## Exhibit A

### PALMDALE RECYCLED WATER AUTHORITY

#### EXECUTIVE DIRECTOR

##### DEFINITION

To plan, direct, organize, coordinate, supervise and review the activities of the Palmdale Recycled Water Authority; and to provide highly responsible professional and technical staff assistance to the Board of Directors.

##### SUPERVISION RECEIVED AND EXERCISED

Direction is provided by the Board of Directors.

Exercises direct and indirect supervision over management, professional, technical, and clerical staff.

##### EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Direct, coordinate, and participate in the development and implementation of Palmdale Recycled Water Authority goals, objectives, policies, procedures, and priorities.

Direct, coordinate, and participate in the development and implementation of the Palmdale Recycled Water Authority budget.

Direct, coordinate, and participate in the development and implementation of the Palmdale Recycled Water Authority recycled water master plan.

Plan, direct, and coordinate all capital improvement activities including all phases of development review, design, planning and execution.

Act as technical advisor to the Board of Directors and direct the preparation and presentation of all reports to the Board of Directors.

Coordinate Palmdale Recycled Water Authority activities with outside agencies and coordinate any necessary public relations activities.

Select, supervise, train, and evaluate professional, technical and clerical subordinates.

Perform other duties as assigned by the Board of Directors..

## MINIMUM QUALIFICATIONS

### Knowledge of:

Principles and practices of public administration management, municipal budgeting, and finance.

Methods, materials and techniques employed in public works construction.

Principles and practices of modern office management.

Applicable federal, state and local laws, codes and regulations.

### Ability to:

Organize, direct, and coordinate the activities of personnel in a manner conducive to full performance and high morale.

Delegate authority and responsibility, and schedule and program work on a long-term basis.

Properly interpret and make decisions in accordance with appropriate laws, regulations and policies.

Communicate clearly and concisely, both orally and in writing.

Maintain liaison with various private and public agencies, and deal successfully with the public and other interested groups.

Select, supervise, train and evaluate subordinates.

### Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### Experience:

Ten years of professional administrative experience.

#### Training:

A Bachelor's degree in public administration, business administration, or a related field. A master's degree is highly desirable.

## Exhibit B

### PALMDALE RECYCLED WATER AUTHORITY

#### ASSISTANT EXECUTIVE DIRECTOR

##### DEFINITION

Under administrative direction, assists the Executive Director in planning, directing, organizing, coordinating, supervising and reviewing the activities of the Palmdale Recycled Water Authority; relieves the Executive Director of day-to-day duties associated with authority operations; performs responsible and complex administrative work; acts for the Executive Director in his/her absence.

##### SUPERVISION RECEIVED AND EXERCISED

Direction is provided by the Executive Director.

Exercises direct and indirect supervision over management, professional, technical, and clerical staff.

##### EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Assists and participates in the development and implementation of Palmdale Recycled Water Authority goals, objectives, policies, procedures, and priorities.

Assists the Executive Director and Finance Director in the development and implementation of the Palmdale Recycled Water Authority's budget.

Assists and participates in the development and implementation of the Palmdale Recycled Water Authority recycled water master plan.

Assists the Executive Director in managing and directing the activities of the Palmdale Recycled Water Authority and in providing administrative guidance to staff.

Represents the Palmdale Recycled Water Authority at Board of Directors' meetings, special commissions, community meetings, and other professional meetings.

Assists and advises the Executive Director and serves as Acting Executive Director as assigned.

Establishes positive working relationships with representatives of community organizations, state/local agencies and associations, and the public.

Performs other related duties as required.

## MINIMUM QUALIFICATIONS

### Knowledge of:

Principles and practices of public administration, management, municipal budgeting, and finance.

Principles and practices of modern office management.

Applicable federal, state and local laws, codes and regulations.

### Ability to:

Assist the Executive Director in managing overall Authority operations.

Delegate authority and responsibility, and schedule and program work on a long-term basis.

Properly interpret and make decisions in accordance with appropriate laws, regulations and policies.

Communicate clearly and concisely, both orally and in writing.

Work independently and as part of a team.

Manage, plan, organize, train, evaluate, and direct work of assigned staff.

### Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### Experience:

Ten years of increasingly responsible administrative or managerial experience.

#### Training:

A Bachelor's degree in public administration, business administration, or a related field. A master's degree is highly desirable.

## Exhibit C

### PALMDALE RECYCLED WATER AUTHORITY

#### TREASURER / AUDITOR

##### DEFINITION

To plan, organize, and direct the accounting, auditing, cash management, revenue collection, licensing, fixed assets, data processing, grant accounting, and other financial and information activities of the Palmdale Recycled Water Authority; and to assist the Executive Director with the budget and other administrative tasks. Act as the Palmdale Recycled Water Authority Auditor.

##### SUPERVISION RECEIVED AND EXERCISED

Direction is provided by Executive Director. Exercises direct and indirect supervision over professional, technical, and clerical staff.

##### EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, organize, and direct the financial activities of the Authority including accounting, cash management, investments, revenue collection, and licensing services.

Develop and implement goals, objectives, policies, and priorities.

Develop and implement various systems and procedures to meet Authority goals, objectives, policies and priorities including budgeting systems, forecasting programs, and cash management programs.

Assist the Executive Director by coordinating, participating and assuming responsibility for the preparation of the annual operating, capital and debt service budget.

Oversee the Authority's investment portfolio and assist with financial planning.

Direct the preparation of financial reports as required by law; prepare various financial reports and analyses requested by the Executive Director.

Prepare and present financial and administrative reports, analysis and resolutions to the Executive Director and the Board of Directors.

##### MINIMUM QUALIFICATIONS

Knowledge of:

Principles and methods of public finance administration, particularly in the areas of accounting, budgeting, auditing, and investing.

Financial programs, accounting programs.

Modern office practices, procedures, methods, and equipment.

Laws regulating the financial administration of City government.

Budget preparation, program analysis, and revenue forecasting.

Statistics, research, and reporting methods.

Ability to:

Develop and install sound accounting procedures.

Prepare complex financial reports and analyses.

Analyze and solve complex fiscal problems.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work.

Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Ten years of increasingly responsible experience in local government budgeting, accounting, and financial work including a minimum of five years direct administrative and supervisory experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in accounting or a closely related field.

## Exhibit A

### PALMDALE RECYCLED WATER AUTHORITY

#### EXECUTIVE DIRECTOR

##### DEFINITION

To plan, direct, organize, coordinate, supervise and review the activities of the Palmdale Recycled Water Authority; and to provide highly responsible professional and technical staff assistance to the Board of Directors.

##### SUPERVISION RECEIVED AND EXERCISED

Direction is provided by the Board of Directors.

Exercises direct and indirect supervision over management, professional, technical, and clerical staff.

##### EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Direct, coordinate, and participate in the development and implementation of Palmdale Recycled Water Authority goals, objectives, policies, procedures, and priorities.

Direct, coordinate, and participate in the development and implementation of the Palmdale Recycled Water Authority budget.

Direct, coordinate, and participate in the development and implementation of the Palmdale Recycled Water Authority recycled water master plan.

Plan, direct, and coordinate all capital improvement activities including all phases of development review, design, planning and execution.

Act as technical advisor to the Board of Directors and direct the preparation and presentation of all reports to the Board of Directors.

Coordinate Palmdale Recycled Water Authority activities with outside agencies and coordinate any necessary public relations activities.

Select, supervise, train, and evaluate professional, technical and clerical subordinates.

Perform other duties as assigned by the Board of Directors..

## MINIMUM QUALIFICATIONS

### Knowledge of:

Principles and practices of public administration management, municipal budgeting, and finance.

Methods, materials and techniques employed in public works construction.

Principles and practices of modern office management.

Applicable federal, state and local laws, codes and regulations.

### Ability to:

Organize, direct, and coordinate the activities of personnel in a manner conducive to full performance and high morale.

Delegate authority and responsibility, and schedule and program work on a long-term basis.

Properly interpret and make decisions in accordance with appropriate laws, regulations and policies.

Communicate clearly and concisely, both orally and in writing.

Maintain liaison with various private and public agencies, and deal successfully with the public and other interested groups.

Select, supervise, train and evaluate subordinates.

### Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### Experience:

Ten years of professional administrative experience.

#### Training:

A Bachelor's degree in public administration, business administration, or a related field. A master's degree is highly desirable.

## Exhibit B

### PALMDALE RECYCLED WATER AUTHORITY

#### ASSISTANT EXECUTIVE DIRECTOR

##### DEFINITION

Under administrative direction, assists the Executive Director in planning, directing, organizing, coordinating, supervising and reviewing the activities of the Palmdale Recycled Water Authority; relieves the Executive Director of day-to-day duties associated with authority operations; performs responsible and complex administrative work; acts for the Executive Director in his/her absence.

##### SUPERVISION RECEIVED AND EXERCISED

Direction is provided by the Executive Director.

Exercises direct and indirect supervision over management, professional, technical, and clerical staff.

##### EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

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Assists the Executive Director and Finance Director in the development and implementation of the Palmdale Recycled Water Authority's budget.

Assists and participates in the development and implementation of the Palmdale Recycled Water Authority recycled water master plan.

Assists the Executive Director in managing and directing the activities of the Palmdale Recycled Water Authority and in providing administrative guidance to staff.

Represents the Palmdale Recycled Water Authority at Board of Directors' meetings, special commissions, community meetings, and other professional meetings.

Assists and advises the Executive Director and serves as Acting Executive Director as assigned.

Establishes positive working relationships with representatives of community organizations, state/local agencies and associations, and the public.

Performs other related duties as required.

## MINIMUM QUALIFICATIONS

### Knowledge of:

Principles and practices of public administration, management, municipal budgeting, and finance.

Principles and practices of modern office management.

Applicable federal, state and local laws, codes and regulations.

### Ability to:

Assist the Executive Director in managing overall Authority operations.

Delegate authority and responsibility, and schedule and program work on a long-term basis.

Properly interpret and make decisions in accordance with appropriate laws, regulations and policies.

Communicate clearly and concisely, both orally and in writing.

Work independently and as part of a team.

Manage, plan, organize, train, evaluate, and direct work of assigned staff.

### Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### Experience:

Ten years of increasingly responsible administrative or managerial experience.

#### Training:

A Bachelor's degree in public administration, business administration, or a related field. A master's degree is highly desirable.

## Exhibit C

### PALMDALE RECYCLED WATER AUTHORITY

#### TREASURER / AUDITOR

##### DEFINITION

To plan, organize, and direct the accounting, auditing, cash management, revenue collection, licensing, fixed assets, data processing, grant accounting, and other financial and information activities of the Palmdale Recycled Water Authority; and to assist the Executive Director with the budget and other administrative tasks. Act as the Palmdale Recycled Water Authority Auditor.

##### SUPERVISION RECEIVED AND EXERCISED

Direction is provided by Executive Director. Exercises direct and indirect supervision over professional, technical, and clerical staff.

##### EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, organize, and direct the financial activities of the Authority including accounting, cash management, investments, revenue collection, and licensing services.

Develop and implement goals, objectives, policies, and priorities.

Develop and implement various systems and procedures to meet Authority goals, objectives, policies and priorities including budgeting systems, forecasting programs, and cash management programs.

Assist the Executive Director by coordinating, participating and assuming responsibility for the preparation of the annual operating, capital and debt service budget.

Oversee the Authority's investment portfolio and assist with financial planning.

Direct the preparation of financial reports as required by law; prepare various financial reports and analyses requested by the Executive Director.

Prepare and present financial and administrative reports, analysis and resolutions to the Executive Director and the Board of Directors.

##### MINIMUM QUALIFICATIONS

Knowledge of:

Principles and methods of public finance administration, particularly in the areas of accounting, budgeting, auditing, and investing.

Financial programs, accounting programs.

Modern office practices, procedures, methods, and equipment.

Laws regulating the financial administration of City government.

Budget preparation, program analysis, and revenue forecasting.

Statistics, research, and reporting methods.

Ability to:

Develop and install sound accounting procedures.

Prepare complex financial reports and analyses.

Analyze and solve complex fiscal problems.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work.

Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Ten years of increasingly responsible experience in local government budgeting, accounting, and financial work including a minimum of five years direct administrative and supervisory experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in accounting or a closely related field.

# PALMDALE RECYCLED WATER AUTHORITY

## BOARD MEMORANDUM

**DATE:** November 12, 2013 **November 20, 2013**  
**TO:** BOARD OF DIRECTORS **Board Meeting**  
**FROM:** Wm. Matthew Ditzhazy, Authority Counsel  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA  
**RE:** *AGENDA ITEM NO. 7.3 – CONSIDERATION AND POSSIBLE ACTION ON  
AUTHORIZING THE CHAIR OF THE AUTHORITY TO EXECUTE AN ATTORNEY  
CONFLICT WAIVER FOR AUTHORITY COUNSEL JAMES D. CIAMPA*

### **Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends authorizing its Chair to execute an Attorney Conflict Waiver for Authority Counsel for 2014, James D. Ciampa and his firm.

### **Background:**

On tonight's agenda the Authority Board approved the PRWA officers for 2014. The Board approved James D. Ciampa, Esq. of the law firm Lagerlof, Senecal, Gosney & Kruse to serve as Authority Counsel to the PRWA. Mr. Ciampa and members of his Firm currently serve as general counsel to the Palmdale Water District. The California Rules of Professional Responsibility prevent an attorney from providing services to a new client (the Authority) if, at the same time, that attorney represents an existing client (the District) in a matter where the Authority's interests could potentially be adverse to the District without first obtaining the informed written consent of each client. If a conflict were to arise, Mr. Ciampa would be able to retain his work with the District but withdraw at Authority Counsel. He would not be able to represent either entity as to the matter in conflict. The Authority Board authorized a substantially similar waiver with Mr. Ditzhazy earlier this year. Staff recommends authorizing Chair Ledford to sign the attached proposed conflict waiver with Mr. Ciampa and the firm of Lagerlof, Senecal, Gosney & Kruse.

### **Financial Impact:**

There is no fiscal impact.

### **Supporting Documents:**

Proposed Attorney Conflict Waiver



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10th Floor  
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Established 1908

November 6, 2013

**VIA E-MAIL**

Hon. James C. Ledford, Jr.  
Chair, Palmdale Recycled Water Authority  
38300 Sierra Highway  
Palmdale, CA 93550-4798

Hon. Kathy Mac Laren  
President, Board of Directors  
2029 East Avenue Q  
Palmdale, CA 93550

Re: Attorney Conflict Waiver

Dear Chair Ledford and President Mac Laren:

As you know, the Palmdale Recycled Water Authority ("Authority") is a joint powers authority, whose members are the City of Palmdale ("City") and the Palmdale Water District ("District"). We understand that the Authority's governing board has determined that it is in the best interests of the Authority to utilize the City's City Attorney's Office and the District's General Counsel to serve as General Counsel to the Authority, on a rotating basis. Under that structure, the City Attorney and District's General Counsel would rotate annually, with the transition to occur in January of each year.

The California Rules of Professional Responsibility preclude an attorney from representing a client in one matter and at the same time in a separate matter accepting as a client an entity whose interest potentially conflicts to the client in the first matter without the informed written consent of each client (Rule 3-310(C)(1)).

This rule means that the partners and associate attorneys at my firm (including me), as attorneys for the District, are precluded from providing services for a new client (the Authority) if at the same time, we represent an existing client (the District) in a matter where the Authority's interests could potentially be adverse to the District, without first obtaining the informed written consent of each client.

The specific rules that require such consent are Rules 3-310 (A), (B) and (C) of the Rules of Professional Conduct, which provide as follows:

**Rule 3-310. Avoiding the Representation of Adverse Interests**

(A) For purposes of this rule:

(1) "Disclosure" means informing the client or former client of the relevant circumstances and of the actual and reasonably foreseeable adverse consequences to the client or former client;

- (2) "Informed written consent" means the client's or former client's written agreement to the representation following written disclosure;
  - (3) "Written" means any writing as defined in Evidence Code section 250.
- (B) A member shall not accept or continue representation of a client without providing written disclosure to the client where:
- (1) The member has a legal, business, financial, professional, or personal relationship with a party or witness in the same matter; or
  - (2) The member knows or reasonably should know that:
    - (a) the member previously had a legal, business, financial, professional, or personal relationship with a party or witness in the same matter, and
    - (b) the previous relationship would substantially affect the member's representation; or
  - (3) The member has or had a legal, business, financial, professional, or personal relationship with another person or entity the member knows or reasonably should know would be affected substantially by resolution of the matter; or
  - (4) The member has or had a legal, business, financial, or professional interest in the subject matter of the representation.
- (C) A member shall not, without the informed written consent of each client:
- (1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or
  - (2) Accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict; or
  - (3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter.

The purpose of the Authority is described in Section 2.3 of the *Joint Exercise of Powers Agreement Creating the Palmdale Recycled Water Authority* as follows:

- 2.3 Purpose. The purpose of the Agreement is to establish an independent public agency in order to study, promote, develop, distribute, construct, install, finance, use and manage recycled water resources created by the Sanitation Districts for any and all reasonable and beneficial uses, including irrigation and recharge, and to finance the acquisition and

construction or installation of recycled water facilities, recharge facilities and irrigation systems.

We understand that the interests of the District are not currently adverse to the interests of the Authority. However, as the Authority begins operations, the interests of the District may differ from the Authority. For example, there could be disputes between the District and the Authority regarding the amount of Authority resources allocated to particular activities, or disputes regarding each member's responsibilities in the event of a claim brought against the District and Authority.

In the event there is a dispute over the activities of the Authority, the interests of the District may become adverse to the Authority. In the event such a dispute arises, where the interests of the District are adverse to the Authority, my firm and I would be obliged to disqualify ourselves from representing some or all of the entities in that dispute. The Authority acknowledges and consents, unless ethically impossible under the circumstances, to my firm continuing to represent the District in the event of a conflict between the District and the Authority.

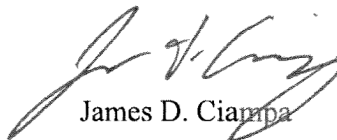
In light of this potential conflict, it is appropriate for us to seek the Authority's informed written consent of our representation of the Authority on matters to which the Authority is potentially, but not currently, adverse to the District.

Accordingly, we request that the Authority approve this disclosure and consent acknowledging that: (i) the Authority has been advised of Rule 3-310(C) and of the potential conflicts associated with our (James D. Ciampa and any other attorney of Lagerlof, Senecal, Gosney & Kruse, LLP) representation of the Authority while at the same time representing the District as its General Counsel; and (ii) the Authority consents to my firm concurrently representing the Authority and the District.

The Authority is encouraged to seek independent counsel at any time if the Authority seeks legal guidance in the approval of this consent. We apologize for the formality of this letter, but are required by California law to provide this information in writing.

If you have any questions, please feel free to call me.

Very truly yours,



James D. Ciampa

JDC/cc

## APPROVAL AND CONSENT

James D. Ciampa of Lagerlof, Senecal, Gosney & Kruse, LLP, General Counsel for Palmdale Water District, has disclosed and explained that there exists potential conflicting interests in his firm's concurrent representation of the Authority and Palmdale Water District and has informed the Authority of the possible consequences of these conflicts. The Authority understands that it has the right to seek independent counsel before signing this consent or at any future time. The Authority desires to have the benefit of the representation by James D. Ciampa and Lagerlof, Senecal, Gosney & Kruse, LLP in connection with matters involving the Authority and consents and gives approval to such representation as well as consents and gives approval to James D. Ciampa and Lagerlof, Senecal, Gosney & Kruse, LLP to continue the representation of the Palmdale Water District.

\_\_\_\_\_  
James C. Ledford, Jr., Chair  
Palmdale Recycled Water Authority  
November \_\_, 2013

Acknowledged:

\_\_\_\_\_  
Kathy Mac Laren  
President, Board of Directors  
Palmdale Water District  
November \_\_, 2013

*Lagerlof  
Senecal  
Gosney & Kruse*  
LLP

**PALMDALE RECYCLED WATER AUTHORITY (PRWA)  
CITY OF PALMDALE  
CITY HALL COUNCIL CHAMBERS  
38300 SIERRA HIGHWAY, SUITE B  
PALMDALE, CALIFORNIA  
REGULAR MEETING AGENDA NO. 8  
SEPTEMBER 18, 2013  
7:00 P.M.**

[www.cityofpalmdale.org](http://www.cityofpalmdale.org)  
[www.palmdalewater.org](http://www.palmdalewater.org)

**1. CALL TO ORDER.**

Called to order at 7:00 p.m.

**2. ROLL CALL: DIRECTORS JAMES C. LEDFORD, JR., GORDON  
DEXTER, LAURA BETTENCOURT, KATHRYN  
MAC LAREN, AND HELEN GONZALEZ**

Chair Ledford and Directors Dexter, Bettencourt and Gonzalez were present.

Motion: Excuse the absence of Vice Chair Mac Laren.

Moved by Director Bettencourt, seconded by Director Dexter.

Vote: Motion carried (4-0).

Yes: Chair Ledford and Directors Dexter, Bettencourt and Gonzalez

Absent: Vice Chair Mac Laren.

**3. PLEDGE OF ALLEGIANCE.**

**4. WAIVER OF FULL READING OF RESOLUTION(S).**

Motion: Waive full reading of the Resolutions.

Moved by Director Bettencourt, seconded by Director Dexter.

Vote: Motion carried (4-0).

Yes: Chair Ledford and Directors Dexter, Bettencourt and Gonzalez

Absent: Vice Chair Mac Laren.

**5. CONSENT CALENDAR – PUBLIC COMMENTS ONLY:**

Authority Counsel Ditzhazy asked the Board to pull Item No. 6.1 from the Consent Calendar since Vice Chair Mac Laren could not be at the meeting and she has requested that her statement in support of the Palmdale Hybrid Power Plant be read into the record. The Board concurred and Item No. 6.1 was pulled from the Consent Calendar.

Public Comments: None.

**6. CONSENT CALENDAR:**

6.1 Adopt Resolution No. PRWA 2013-015, a Resolution of the Palmdale Recycled Water Authority supporting the Palmdale Hybrid Power Plant Project. (Staff Reference: Assistant Executive Director Mischel)

Authority Counsel Ditzhazy read Vice Chair Mac Laren's statement supporting the Palmdale Hybrid Power Plant.

Motion: Adopt Resolution No. PRWA 2013-015.

Moved by Director Dexter, seconded by Director Bettencourt.

Vote: Motion carried (4-0).

Yes: Chair Ledford and Directors Dexter, Bettencourt and Gonzalez

Absent: Vice Chair Mac Laren.

6.2 Approve the Minutes from the previous meeting held on August 21, 2013. (Staff Reference: Secretary Smith)

6.3 Approve receipt and filing of the Treasurer's Report for the month ended August 31, 2013. (Staff Reference: Treasurer/Auditor St. John)

Motion: Approve the recommendations and findings on all items listed under the Consent Calendar, except Item No. 6.1.

Moved by Director Dexter, seconded by Director Bettencourt.

Vote: Motion carried (4-0).

Yes: Chair Ledford and Directors Dexter, Bettencourt and Gonzalez

Absent: Vice Chair Mac Laren.

**7. SPECIAL REPORTS:**

- 7.1 Report on impact of the Palmdale Hybrid Power Plant Contribution on completing the Antelope Valley Recycled Water project and Palmdale Recycled Water Authority. (Staff Reference: Executive Director LaMoreaux)

Executive Director LaMaoreux spoke regarding the Palmdale Hybrid Power Plant and the impact on not completing the power plant. Chair Ledford spoke regarding the benefits of the \$20 million dollar contribution for interconnect which would be paid by the developer of the power plant instead of City and Palmdale Water District. The Board members asked questions of staff and staff responded regarding the economic impact of the power plant.

No action was taken by the Board on this item as it was presented for informational purposes only.

- 7.2 Report on next phase of Recycled Water Facilities. (Staff Reference: Assistant Executive Director Mischel)

Assistant Executive Director Mischel provided an update of the subsequent phases of the recycled water system. The Authority members asked questions of staff and staff responded.

No action was taken by the Board on this item as it was presented for informational purposes only.

**8. PUBLIC COMMENTS:**

None.

**9. INFORMATIONAL REPORT OF THE BOARD OF DIRECTORS, EXECUTIVE DIRECTOR, AND ASSISTANT EXECUTIVE DIRECTOR.**

Executive Director LaMoreaux spoke regarding the City and Palmdale Water District's website. He indicated that staff is working together to get the website running and hopefully will be ready before the next meeting.

Assistant Executive Director Mischel stated that he and Executive Director LaMoreaux participated in meetings with Waterworks staff, the County, the City of Lancaster Sanitation District, and Supervisor's office on the issue of reallocation of water usage.

Authority Counsel Ditzhazy asked the Board members if they would consider whether there is a need to have a meeting in October. Chair Ledford asked staff and the Board members if there was a need to have a meeting in October or would they approve adjourning this meeting to November? All Board members and staff concurred that there was not a need for an October meeting and this meeting could be adjourned to the next regular meeting in November.

**10. ADJOURNMENT.**

Chair Ledford adjourned the meeting at 7:45 p.m. to November 20, 2013 at 7:00 p.m. at the Palmdale Water District Board Room located at 2029 East Avenue Q, Palmdale, California.

PASSED, APPROVED, AND ADOPTED this 20th day of November 2013.

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James C. Ledford, Jr.  
Chair

ATTEST:

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Rebecca J. Smith  
Secretary

# PALMDALE RECYCLED WATER AUTHORITY BOARD MEMORANDUM

**DATE:** November 20, 2013 **November 20, 2013**  
**TO:** BOARD OF DIRECTORS **Board Meeting**  
**FROM:** Betsy St John, Treasurer-Auditor, PRWA  
**VIA:** Mr. Dennis LaMoreaux, Executive Director, PRWA

**RE: AGENDA ITEM NO. 7.5 – TREASURER’S REPORT FOR SEPTEMBER 2013**

**Recommendation:**

Palmdale Recycled Water Authority (PRWA) staff recommends the Board of Directors to receive and file the Treasurer’s Report for the month ended September 30, 2013.

**Background:**

To comply with provisions required by Section 4.13 of the Joint Powers of Authority Agreement and responsibilities of Treasurer, a Financial Report is prepared and submitted to the Board of Directors who certifies the availability of funds for the reports presented. These reports are hereby submitted to the Board of Directors for ratification.

**Financial Impact:**

The PRWA has \$194,164.64 in the bank as of September 2013. During the month of September the PRWA earned \$11.41 in interest and paid invoices totaling \$5,846.77 in expenditures. PRWA has unpaid invoices due of \$11,641.10 as of September 30, 2013.

**Supporting Documents:**

September 2013 Treasurer’s Report.

**Palmdale Recycled Water Authority  
Treasurer's Report  
Month Ended September 30, 2013**

**Cash/Funds Available and held at Bank of America:**

Balance, beginning	\$200,000.00
Deposits:	
Interest Earnings	11.41
Expenditures	(5,846.77)
Balance, ending	<u>\$194,164.64</u>

**Expenditures:**

County Sanitation Districts of LA County Quarterly payment	3,199.57
Carollo Engineers, Professional Services during May 2013	2,497.50
Rackspace, Hosting Service (Monitoring & Firewall)	149.70
Total Expenditures	<u>5,846.77</u>

**Accounts Payable:**

Carollo Engineers, Professional Services from July to Sept 2013	11,459.50
Rackspace, Hosting Service (Monitoring & Firewall)	181.60
Total Accounts Payable	<u>11,641.10</u>