

Olivehurst Public Utility District

Agenda Item Staff Report



Meeting Date: June 18, 2026

Item description/summary:

Amend the Olivehurst Public Utility District Conflict of Interest Code: Staff proposes to amend the District's Conflict of Interest Code as required by the Political Reform Act (Government Code Section 81000, et seq.) and the Fair Political Practices Commission's biennial review requirements (Government Code Section 87306.5). The proposed amendments, set forth in the attached Resolution and Exhibit A, address the following:

- **SB 852 Compliance.** Senate Bill 852 (Stats. 2025, ch. 331), effective January 1, 2026, amended Government Code Section 87500 regarding electronic filing of statements of economic interests. The amended Code identifies the positions required to file Form 700 disclosure statements directly with the FPPC using its electronic filing system: Members of the Board of Directors, General Manager, Financial Manager, General Counsel, and Public Works Director.
- **Filing Officer Designation.** The amended Code updates the place-of-filing provisions to direct designated employees to file statements of economic interests with the District's filing officer, consistent with the FPPC's standard conflict of interest code terms (2 Cal. Code Regs. Section 18730).
- **Designated Employee List.** The amended Code updates the list of designated employee positions in Appendix A to reflect positions that have been added, removed, or retitled since the last revision.
- **Disclosure Categories.** The amended Code revises the disclosure categories in Appendix B to reflect the structure recommended by the FPPC.
- **Code Reviewing Body Approval.** Government Code Section 87303 provides that no conflict of interest code or amendment takes effect until approved by the code reviewing body. The Resolution directs the General Manager to submit the amended Code to the Yuba County Board of Supervisors for approval.

Fiscal Analysis:

There is no fiscal impact to the proposed amendments.

Employee Feedback

N/A

Sample Motion:

That the Board of Directors adopt the attached Resolution Amending the Olivehurst Public Utility District Conflict of Interest Code, as set forth in Exhibit A, and direct the General Manager to submit the amended Code to the Yuba County Board of Supervisors for approval pursuant to Government Code Section 87303.

Prepared by:

Joan Cox, General Counsel

RESOLUTION NO. 2466

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
OLIVEHURST PUBLIC UTILITY DISTRICT
AMENDING ITS CONFLICT-OF-INTEREST CODE**

WHEREAS, the Political Reform Act (California Government Code Section 81000, et seq.) requires public agencies to adopt and promulgate a local conflict of interest code; and

WHEREAS, the Fair Political Practices Commission (“FPPC”) has adopted a regulation (Title 2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency’s Conflict of Interest Code; and

WHEREAS, the Political Reform Act, Government Code Section 87306.5, requires government agencies to conduct biennial reviews of their adopted conflict of interest code; and

WHEREAS, the Olivehurst Public Utility District (“OPUD” or “District”) has determined that revisions to the Conflict of Interest Code are needed to add language to clarify that “designated officials and employees” must file statements of economic interest through the County Clerk and to specify those positions which must file statements of economic interests directly with the FPPC, rather than through the County Clerk, pursuant to both existing law and the recent changes established by Senate Bill 852; and

WHEREAS, OPUD has further determined that revisions to the Conflict of Interest Code are needed to reflect positions which have been added to the District, removed, and/or have revised titles, and to remove the positions which are required to file statements of economic interest directly with the FPPC from the list of “Designated Employees” to accurately reflect that these positions are required by statute to file with the FPPC and thus need not be ‘designated’ as subject to the District’s Conflict of Interest Code; and

WHEREAS, OPUD has further determined that revisions to the Conflict of Interest Code are needed to revise the disclosure categories and to reflect the structure of Conflict of Interest Codes recommended by the FPPC; and

WHEREAS, Government Code Section 87303 provides that no conflict of interest code or amendment thereto shall be effective until it has been approved by the code reviewing body;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Olivehurst Public Utility District as follows:

Section 1. The District hereby amends its Conflict of Interest Code as set forth in Exhibit A, which is incorporated herein by reference and attached to this Resolution.

Section 2. The General Manager is hereby directed to submit the amended Conflict of Interest Code to the code reviewing body for approval in accordance with Government Code Section 87303.

Section 3. This Resolution and the amended Conflict of Interest Code shall become effective upon approval by the code reviewing body.

PASSED AND ADOPTED by the Board of Directors of the Olivehurst Public Utility District this 18th day of June, 2026.

OLIVEHURST PUBLIC UTILITY DISTRICT

President, Board of Directors
Olivehurst Public Utility District

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

District Clerk and Ex-Officio Secretary

Deirdre Joan Cox, Legal Counsel

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I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 18th day of June 2026, by the following vote:

AYES, AND IN FAVOR THEREOF:

NOES:

ABSTAIN:

ABSENT:

District Clerk and ex-officio Secretary

EXHIBIT A
OLIVEHURST PUBLIC UTILITY DISTRICT
CONFLICT-OF-INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 Cal. Code Regs. § 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in the agency’s code. After public notice and hearing, it may be amended by the FPPC to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code Regs. § 18730 and any future amendments to it duly adopted by the FPPC are hereby incorporated by reference. Such regulation, and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Olivehurst Public Utility District (“OPUD” or “District”).

Place of Filing of Statements of Economic Interests

Filing through the County Clerk: The designated employees listed on the attached Appendix shall file statements of economic interests with the District’s filing officer. The District Board Clerk shall make copies of the statements available for public inspection and reproduction (Gov’t Code § 81008), and shall forward originals to the code reviewing body as required by Government Code Section 87500.

Filing through the FPPC: Pursuant to Government Code Section 87200 and Government Code Section 87500, as amended by Senate Bill 852 (Stats. 2025, ch. 331, eff. Jan. 1, 2026), certain public officials who manage public investments must file Form 700 disclosure statements directly with the FPPC using its electronic filing system. For purposes of the District’s Conflict of Interest Code, the following individuals are “other public officials who manage public investments” within the meaning of Government Code Section 87200 and are required to submit Form 700 disclosure statements directly to the FPPC:

- Members of the Board of Directors
- General Manager
- Finance Manager

Filing Requirements for Candidates for the District Board of Directors

In addition to any other requirements of 2 Cal. Code Regs. § 18730 and any amendments thereto, a candidate for the Board of Directors of OPUD shall file, no later than the final filing date of a declaration of candidacy, a statement of economic interests, pursuant to Government Code section 87200 et seq.

APPENDIX A – DESIGNATED POSITIONS

	Designated Employees	Category
1.	Administrative Assistant	2
2.	Board Clerk	3,4
3.	Consultant**	
4.	Human Resources Coordinator	2,4
5.	Limited Term Fire Department Supervisor	2
6.	Office Manager	2
7.	Public Works Engineer	2
8.	WWTF Chief Plant Operator	2

****Consultants**

Only those Consultants who fall within the criteria described below shall disclose pursuant to the broadest disclosure category in the District’s Conflict of Interest Code, unless the General Manager determines, in writing, that a different, narrower category is appropriate.

For purposes of the District’s Conflict of Interest Code, "Consultant" means an individual under contract with the District who:

1. Makes a governmental decision whether to:
 - a) Approve a rate, rule, or regulation;
 - b) Adopt or enforce a law;
 - c) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - d) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
 - e) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
 - f) Grant agency approval to a plan, design, report, study, or similar item;
 - g) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

2. Serves in a staff capacity with the agency and, in that capacity, participates in making governmental decisions as defined in FPPC Regulation 2 CCR 18700, et seq., or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a designated position specified above.

The General Manager shall make a written determination when a particular Consultant meets the above-described criteria, requiring the Consultant to be treated as a “designated position.” The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict-of-Interest Code.

APPENDIX B – DISCLOSURE CATEGORIES

Designated Employees are required to file statements of economic interests for the types of interests set forth in the Disclosure Categories which apply to each position, as described in Part 1 of this Appendix. The Disclosure Categories are as follows:

Category 1: Designated Employees whose duties are broad and indefinable, encompassing the same or substantially all disclosure requirements applicable to officials specified in Government Code Section 87200:

All investments and business positions in business entities, and income (including loans, gifts, and travel payments) from sources located in or doing business in the District's jurisdiction. A business entity is "located or doing business in the jurisdiction of District" if the business entity is doing business or plans to do business within the boundaries of the District, or if the business entity owned or leased any facilities within the boundaries of the District, or has done business within the boundaries of the District, at any time during the two years prior to the time that the disclosure statement of the designated office/employee is filed.

Interests in real property located in the jurisdiction, including property located in part or in whole within the boundaries of the District, within two miles thereof, or within two miles of land owned or used by the District.

Category 2: Designated Employees whose duties involve contracting or purchasing equal to or exceeding \$1,500 per month or \$18,000 per year for the District:

All investments and business positions in business entities, and income (including gifts, loans, and travel payments) from sources that provide leased facilities, goods, equipment, vehicles, machinery, or services, including training or consulting services, of the type utilized by this District.

Category 3: Designated Employees whose decisions may affect real property interests:

Interests in real property located in the jurisdiction, including property located in part or in whole within the boundaries of the District, within two miles thereof, or within two miles of land owned or used by the District.

Category 4: Designated Employees with regulatory powers:

All investments and business positions and income, including gifts, loans, and travel payments, from sources that are subject to the regulatory, permit, or licensing authority of, or have an application for a license or permit pending before, the District.