



# Yorba Linda Water District

**AGENDA**  
**YORBA LINDA WATER DISTRICT**  
**FINANCING AUTHORITY REGULAR MEETING**  
**Tuesday, April 25, 2017, 6:30 PM**  
**1717 E Miraloma Ave, Placentia CA 92870**

---

**1. CALL TO ORDER**

1.1. Please note that this meeting will begin immediately following the regular Board of Directors meeting scheduled Tuesday, April 25, 2017 at 6:30 p.m.

**2. ROLL CALL**

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

**3. PUBLIC COMMENTS**

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

**4. ACTION CALENDAR**

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

**4.1. Minutes of the Regular Financing Authority Meeting held April 11, 2017**

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

**4.2. Adoption of Conflict of Interest Code for the District's Financing Authority**

*Recommendation: That the Board of Directors approve Resolution No. FA-17-02 Adopting a Conflict of Interest Code for the Yorba Linda Water District Financing Authority.*

**5. ADJOURNMENT**

5.1. The next regular meeting of the Financing Authority will be scheduled following preparation of the fourth quarter financial report.

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

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 1717 E. Miraloma Avenue, Placentia, CA 92870, during regular business hours. When practical, these public records will also be made available on the District's internet website accessible at <http://www.ylwd.com/>.

### **Accommodations for the Disabled**

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

## AGENDA REPORT

ITEM NO. 4.1

---

**Meeting Date:** April 25, 2017

**Subject:** Minutes of the Regular Financing Authority Meeting held April 11, 2017

---

**STAFF RECOMMENDATION:**

That the Board of Directors approve the minutes as presented.

**ATTACHMENTS:**

Name:	Description:	Type:
<a href="#">2017-04-11 - Minutes - FA.doc</a>	Minutes	Minutes

**MINUTES OF THE  
YORBA LINDA WATER DISTRICT  
FINANCING AUTHORITY REGULAR MEETING  
Tuesday, April 11, 2017  
1717 E Miraloma Ave, Placentia CA 92870**

---

**1. CALL TO ORDER**

President Miller, acting as Chair, called the Regular Meeting of the Yorba Linda Water District Financing Authority to order at 6:49 p.m.

**2. ROLL CALL**

**DIRECTORS PRESENT**

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

**STAFF PRESENT**

Marc Marcantonio, General Manager  
Steve Conklin, Engineering Manager  
John DeCriscio, Operations Manager  
Gina Knight, HR, Risk and Safety Manager  
Delia Lugo, Finance Manager  
Art Vega, IT Manager  
Annie Alexander, Executive Assistant  
Cindy Botts, Water Consv Sup/Mgmt Analyst  
Kelly McCann, Senior Accountant

**ALSO PRESENT**

Andrew Gagen, Partner, Kidman Law LLP  
Tom Lindsey, Councilmember, City of Yorba Linda  
Cyrus Torabi, Attorney, Stradling Yocca Carlson & Rauth  
Robert Porr, Senior Vice President, Fieldman Rolapp & Associates  
Lora Carpenter, Senior Associate, Fieldman Rolapp & Associates

**3. PUBLIC COMMENTS**

None.

**4. ACTION CALENDAR**

**4.1. Presentation of Joint Exercise of Powers Agreement Creating the Yorba Linda Water District Financing Authority**

Mr. Marcantonio provided a brief overview of the Joint Exercise of Powers Agreement between the Yorba Linda Water District ("District") and the

---

California Municipal Finance Authority creating the Yorba Linda Water District Financing Authority (“Authority”).

He explained that it established the offices of: (a) Chair, which is held by the person serving as President of the Board of Directors of the District; (b) Vice Chair, which office is held by the person serving as Vice President of the Board of Directors of the District; (c) Executive Director, which office is held by the person serving as General Manager of the District; (d) Treasurer, which office is held by the person serving as the Finance Manager of the District; and (e) Secretary, which office is held by the person serving as Executive Assistant of the District.

He also explained that the agreement designates the dates and locations of regular meetings of the Authority as concurrent with the dates and locations of regular meetings of the District.

Mr. Torabi responded to questions from the Board regarding the ability to conduct special meetings.

*Director Hall made a motion, seconded by Director Hawkins, to receive and file the Joint Exercise of Powers Agreement, direct the Secretary to file a notice of the agreement with the Secretary of State pursuant to Section 6503.5 of the California Government Code, and direct the Executive Director to prepare a Conflict of Interest Code for consideration at the next meeting. Motion carried 5-0.*

#### **4.2. Approving Sale of Revenue Bonds, Series 2017A**

Mrs. Lugo explained that the District was proposing to undertake the refinancing of the acquisition and construction of certain improvements, betterments, renovations and expansions of facilities within its water system. This will be accomplished through the issuance of Revenue Bonds, Series 2017A in an aggregate principal amount not to exceed \$35,000,000 which will assist in financing the 2017 Project and refinancing the 2008 Project. The bonds are to be secured by installment payments pursuant to an agreement between the District and the Yorba Linda Water District Financing Authority.

Mrs. Cristy Parker, resident, commented on the order of business in regards to this item and Item No. 9.1. on the regular Board meeting agenda. Mr. Porr responded and provided clarification.

*The Board adopted Resolution No. FA-17-01 5-0 on a Roll Call vote approving the sale of Revenue Bonds, Series 2017A in an aggregate principal amount not to exceed \$35,000,000 and approving the execution and delivery of certain documents in connection therewith and certain other matters.*



## AGENDA REPORT

---

**Meeting Date:** April 25, 2017

**To:** Board of Directors

**From:** Marc Marcantonio, General Manager

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

**Reviewed by Legal:** Yes

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

**Subject:** Adoption of Conflict of Interest Code for the District's Financing Authority

---

**STAFF RECOMMENDATION:**

That the Board of Directors approve Resolution No. FA-17-02 Adopting a Conflict of Interest Code for the Yorba Linda Water District Financing Authority.

**DISCUSSION:**

Pursuant to Section 14 of the Joint Exercise of Power Agreement and in compliance with Section 87300 of the California Government Code, staff has prepared a Conflict of Interest Code ("Code") for the Financing Authority.

This Code is intended to govern the disclosure of financial interests by certain designated members and employees of the Authority and for the most part, mirrors the existing Code for the District's Public Financing Corporation.

Persons serving as a designated member or employee of the Authority will be required to file an assuming office statement within 30 days after the effective date of the Code. This Code will not be considered to be in effect until approved by the Orange County Board of Supervisors. Following that time, staff will work with each designated individual to submit their filings using the County's e-file system.

**ATTACHMENTS:**

Name:	Description:	Type:
<a href="#">Resolution No. FA-17-02 - Conflict of Interest Code.docx</a>	Resolution	Resolution

**RESOLUTION NO. FA-17-02**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE YORBA LINDA WATER DISTRICT  
FINANCING AUTHORITY  
ADOPTING A CONFLICT OF INTEREST CODE**

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

**WHEREAS,** the Yorba Linda Water District Financing Authority has not previously adopted a Conflict of Interest Code; and

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

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

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

**Section 1.** The terms of Title 2, California Code of Regulations, Section 18730 (Attachment A) and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, together with Exhibits A and B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Yorba Linda Water District Financing Authority.

**Section 2.** The Filing Officer is hereby authorized to forward a copy of this Resolution to the Clerk of the Orange County Board of Supervisors for review and approval by the Orange County Board of Supervisors as required by California Government Code Section 87303.



**PASSED AND ADOPTED** this 25<sup>th</sup> day of April 2017, by the following called vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

J. Wayne Miller, Ph.D., President  
YLWD Financing Authority

ATTEST:

---

Annie Alexander, Board Secretary  
YLWD Financing Authority

Reviewed as to form by General Counsel:

---

Andrew B. Gagen, Esq.  
Kidman Law LLP

## **ATTACHMENT A**

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

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Yorba Linda Water District Financing Authority.

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

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

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

**CONFLICT OF INTEREST CODE  
EXHIBIT A**

**Agency: Yorba Linda Water District Financing Authority**

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

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701 (b), are NOT subject to the Agency’s code, but are subject to the disclosure requirement of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments:

Finance Manager (Treasurer)	Files with	COB
General Manager (Executive Director)	Files with	COB
Member of the Board of Directors	Files with	COB

**Disclosure Descriptions  
EXHIBIT B**

**Agency: Yorba Linda Water District Financing Authority**

Disclosure Category	Disclosure Description
87200 Filer	Form 87200 filers shall complete all schedules for Form 700 and disclose all reportable sources of income, interests in real property, investments and business positions in business entities, if applicable, pursuant to Government Code Section 87200 <i>et seq.</i> .
OC-01	All interests in real property in Orange County, the authority or the District as applicable, as well as investments, business positions and sources of income (including gifts, loans and travel payments).
OC-30	Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation: The County Department Head/Director/General Manager/Superintendent/etc. may determine that a particular consultant, although a “designated position”, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure required. The determination of disclosure is a public record and shall be filed with the Form 700 and retained by the Filing officer for public inspection.