

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance/Administration ••• Executive/Legal ••• Enforcement ••• Conflict of Interest  
(916) 322-5660 322-5901 322-6441 322-6444

December 6, 1977

Mr. William R. Attwater  
Chief Counsel  
State Water Resources  
Control Board  
Post Office Box 100  
Sacramento, California 95801

Dear Mr. Attwater:

This is in response to your memorandum to Delbert Spurlock dated October 14, 1977, requesting informal advice with respect to whether members of several California Regional Water Quality Control Boards must report the receipt of tours of certain California water supply systems.

As outlined in your memorandum, the facts are as follows: The Metropolitan Water District, at its own expense, conducts tours of the Colorado River Aqueduct and the California Aqueduct. The tours include an inspection of the facilities, transportation to and from the facilities, and meals and lodging. The value of the tour to the individual participant clearly exceeds \$25 and in some cases exceeds \$250. Specifically, we are asked to determine whether the receipt of such a tour constitutes income as defined in the Political Reform Act (and the Conflict of Interest Code of the State Water Resources Control Board), and therefore must be reported on the Regional Board members' statements of economic interests.

Government Code §82030(b)<sup>1/</sup>, which is incorporated by reference in the Water Resources Board's Code, provides in relevant part that:

... Income also does not include:

... (2) Salary and reimbursement for expenses or per diem received from a state or local government agency....

<sup>1/</sup> All statutory references are to the Government Code unless otherwise noted.

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Metropolitan Water District is a "local government agency" as defined in §82041.

Initially, we observe that §82030(b)(2) excludes reimbursement for expenses from the definition of income even if the reimbursement is provided by a public agency other than the official's employer. Thus, if the tours are "reimbursement for expenses", they will not constitute reportable income to the members of the Regional Water Quality Control Board despite the fact that they were provided by Metropolitan Water District.

However, the tours could be considered to be "gifts" and not "reimbursement for expenses". If the tours constitute "gifts", they must be reported as income pursuant to the §82030(a) definition of income. We believe that the tours in the instant case are best characterized as reimbursement for expenses. We note that the tours in question are of water related facilities and that the officials are performing official duties while on such tours. Moreover, we think it is significant that the parties involved are both public agencies concerned with the administration of water facilities in California. Accordingly, we conclude that the tours are reimbursements for expenses from a state or local government agency and, pursuant to the exemption contained in §82030(b)(2), need not be reported.

If I can be of further assistance in this or any other case, please contact me.

Sincerely,



Kenneth W. Goshorn  
Research Specialist III  
Conflicts of Interest Division

KWG:glb

## Memorandum

*next week*  
*assigned to me*

*77497*

To : Mr. Delbert Spurlock, Chief  
 Conflict of Interest Division  
 Fair Political Practices Commission  
 1100 K Street  
 Sacramento, CA 95814

Date : OCT 14 1977

From : STATE WATER RESOURCES CONTROL BOARD

Subject: Request for Informal Opinion

*OCT 14 1977*

The Metropolitan Water District of Southern California (MWD) regularly conducts tours of several major water supply systems in the State. These are the Colorado River Aqueduct and the California Aqueduct. Members of several California Regional Water Quality Control Boards have been invited to participate in one, or both, of these tours. Those invited are selected either by the MWD itself or by one of its member agencies. MWD and all of its members are local government agencies as defined in Government Code Section 82041. Some of the member agencies (e.g., Chino Basin Municipal Water District) treat wastewater as well as provide water supplies and, in their capacity as wastewater treatment agencies, must obtain waste discharge permits pursuant to Division 7 of the Water Code from one of the Regional Water Quality Control Boards.

In accordance with the State Water Resources Control Board's Conflict of Interest Code, Regional Board members are in the broadest disclosure category. They must disclose "all investments, interests in real property...and income..."

I would like your opinion regarding whether the receipt of such a tour, as further described below, constitutes income as defined in the Political Reform Act and whether it must be reported on Regional Board members' statements of economic interest.

The tours in question are described in the attached brochures prepared by MWD. The value of the Colorado River Aqueduct tour was estimated by Mr. Ron Gastelum of MWD's legal staff at about \$100 per person. Mr. James Anderson, Executive Officer of the Santa Ana Regional Water Quality Control Board, estimates the value of the California Aqueduct tour to be \$450 to \$600 per person. As a part of each of the tours participants receive transportation by bus to points of interest along the water development being toured as well as meals and lodging. Participants also receive oral information and printed materials regarding the facilities being toured. The tours are put together by MWD's public relations department and are not offered, conducted or arranged by any lobbyist for MWD, although a lobbyist may, from time to time, be present on one of the tours.

Mr. Delbert Spurlock

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When people from the southern part of the State take the State Water Project tour my understanding is that they are flown at MWD expense to the Sacramento Metropolitan Airport. Generally, people taking the Colorado River Aqueduct tour provide their own transportation to the starting point for the tour.

Thank you in advance for your prompt attention to this request.



William R. Attwater  
Chief Counsel

Attachments

cc: Mr. James W. Anderson, Executive Officer  
Santa Ana Regional Board

Mr. Leonard Burtman, Executive Officer  
San Diego Regional Board