

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS **2012 Local Agency Biennial Notice**

2012 AUG 1 PM 2 49

Name of Agency: DESCANSO COMMUNITY WATER DISTRICT
THOMAS J. PASTUSZKA
Mailing Address: 1019 CHERRY AVENUE, IMPERIAL BEACH, CA 91932
CLERK OF THE BOARD OF SUPERVISORS
Contact Person: BEATRIZ GARZA Office Phone No: _____
E-mail: BEATRIZ.GARZA@AMWATER.COM Fax No: 619-575-2070

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

- An amendment is required. The following amendments are necessary:**
(Mark all that apply.)
- Include new positions.
 - Revise disclosure categories.
 - Revise the titles of existing positions.
 - Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
 - Other (describe) ADD CLARIFYING LANGUAGE AS PROVIDED BY THE FPPC
- No amendment is required.
- The code is currently under review by the code reviewing body.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Christy Mott
Signature of Chief Executive Officer

7-9-12
Date

Complete this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

County of San Diego
1600 Pacific Highway, Room 402,
San Diego, CA 92101-2471

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

Approved and Forwarded by the Board of Supervisors of the County of San Diego
Meeting Date: 12/4/12 Minute Order No. 20
By: Nancy McLean Date: 12/4/12
Deputy Clerk of the Board Supervisors

INDIAN WELLS
(760) 568-2611

IRVINE
(949) 263-2600

LOS ANGELES
(213) 617-8100

ONTARIO
(909) 989-8584

DIANNA MARIE VALDEZ
(951) 826-8252
DIANNAMARIE.VALDEZ@BBKLAW.COM

BBK COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
BEST BEST & KRIEGER
ATTORNEYS AT LAW
2012 JUL 1 PM 2 49

3390 UNIVERSITY AVENUE, 5TH FLOOR, P.O. Box 1028, RIVERSIDE, CA 92502A
PHONE: (951) 686-1450 | FAX: (951) 686-3083 | WWW.BBKLA.COM
THOMAS J. FORTIN
CLERK OF THE BOARD
OF SUPERVISORS

SACRAMENTO
(916) 325-4000

SAN DIEGO
(619) 525-1300

WALNUT CREEK
(925) 977-3300

WASHINGTON, DC
(202) 785-0600

July 30, 2012

Teresa Zurita, Deputy
Clerk of the Board of Supervisors
County of San Diego
1600 Pacific Highway, Room 402
San Diego, CA 92101-2471

Re: Descanso Community Water District – Amendment of
the Conflict of Interest Code and Request for Notice

Dear Teresa:

Enclosed for review and approval by the Board of Supervisors is the amended Conflict of Interest Code of the Descanso Community Water District. As you can see by the enclosed legislative version of the Code, this amendment was done to include clarifying language as provided by the Fair Political Practices Commission.

As described in 2 Cal. Code of Regs § 18752(e)(4) (copy enclosed), the foregoing changes are considered non-substantive and do not affect or modify any existing disclosure responsibilities.

Therefore, the Descanso Community Water District hereby requests approval of these non-substantive amendments to its Conflict of Interest Code. Please let me know when this amendment is set for approval by the Board or Administrative Officer. I would also appreciate a copy of the County's order of approval. For your records, I have also enclosed a clean, final copy of the amended Appendix.

Lastly, as required by Government Code Section 87306.5, enclosed is the completed Biennial Notice indicating the results of the review of the District's Code.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Teresa Zurita, Deputy
Clerk of the Board of Supervisors
County of San Diego
July 30, 2012
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As always, please feel free to call me if you or County Counsel have any questions regarding the enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dianna Marie Valdez'.

Dianna Marie Valdez
Conflicts of Interests & Ethics Coordinator
for BEST BEST & KRIEGER LLP
General Counsel
Descanso Community Water District

Cc: Beatriz Garza, District Secretary

Encls:

Amended Conflict of Interest Code (non-substantive)
Legislative Version of the Amended Code (showing changes made)
2012 Biennial Notice

LAW OFFICES OF
BEST BEST & KRIEGER LLP

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 AUG 1 PM 2 49

THOMAS J.
CLERK OF THE BOARD
OF SUPERVISORS

LEGISLATIVE VERSION

(showing changes made)

CONFLICT OF INTEREST CODE
OF THE
DESCANSO
COMMUNITY WATER DISTRICT

BBK – August 2010

CONFLICT OF INTEREST CODE FOR THE
DESCANSO COMMUNITY WATER DISTRICT
(Amended September 21, 2010)

The Political Reform Act (Gov. Code § 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. § 18730) which contains the terms of a standard conflict of interest code, which can 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 incorporation page, regulation and the attached Appendix designating ~~officials and employees~~positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Descanso Community Water District** (the "District").

All officials and designated ~~employees~~positions required to submit a statement of economic interests shall file their statements with the **District Secretary** as the District's Filing Officer. The ~~Filing Officer~~**District Secretary** shall make and retain a copy of all statements filed by Members of the Board of Directors and the General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The ~~Filing Officer~~**District Secretary** shall retain the originals of the statements filed by all other officials and designated ~~employees~~positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

CONFLICT OF INTEREST CODE

OF THE

DESCANSO COMMUNITY WATER DISTRICT

(Amended September 21, 2010¹)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code but ~~are subject to the disclosure requirements of the Act.~~ (must file disclosure statements under Gov. Code § 87200 et seq.) [Regs. § 18730(b)(3)]

It has been determined that the positions listed below are officials who manage public investments²:

Members of the Board of Directors

General Manager

Financial Consultants

¹ Revised in July 2012 to include clarifying language provided by the Fair Political Practices Commission

² Individuals holding one of the above-listed positions may contact the FPPC Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

BBK – August 2010

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES' POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Civil Engineer	2, 3, 5
General Counsel	1, 2
<u>Consultant and New Positions</u> ³	

³ ~~Consultants shall be included in the list of Designated Employees and Individuals providing services as a Consultant defined in Regulation 18701, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:~~

~~The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements, that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)~~

BBK - August 2010

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of ~~investments, business entities, sources of income, including gifts, loans and travel payments, or real property which~~ economic interests that the Designated Employee-Position must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies products, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Position's department, unit or division.

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2012 AUG 1 PM 2 49

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

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

§ 18752. Nonsubstantive Amendments of Conflict of Interest Codes.

(a) A state agency or a local government agency with jurisdiction in more than one county may make nonsubstantive alterations of a conflict of interest code for its agency.

(b) No alteration of a conflict of interest code shall be deemed nonsubstantive until the agency has requested and received prior written approval from the Executive Director of the Fair Political Practices Commission, or his or her designee, to classify the alteration as nonsubstantive.

(c) Each request for a nonsubstantive alteration shall be in writing and shall be accompanied by:

- (1) The conflict of interest code for the agency showing the proposed nonsubstantive amendments in ~~strikeout~~/underscore format;
- (2) A brief description of the proposed amendments; and
- (3) A declaration by the chief executive officer of the agency declaring that the code specifically enumerates each of the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material financial effect on any financial interest.

(d) The Executive Director, or his or her designee, shall respond in writing to each request for interim approval within 30 calendar days or receipt.

(e) Nonsubstantive alterations of conflict of interest codes shall be limited to the following:

- (1) The reclassification or renaming of previously designated positions, provided no

designated positions are created, and provided no existing disclosure responsibilities are modified;

(2) The deletion of a position for which the classification has been abolished by the agency;

(3) The addition, deletion or modification of definitional or operational provisions of a conflict of interest code in conformity to a statutory amendment, a regulation of the Fair Political Practices Commission, a decision of the California Supreme Court, or a final decision of a California Court of Appeal; or

(4) The modification of any provision of a conflict of interest code, provided no disclosure or disqualification obligation of any designated employee is disturbed thereby.

(f) Nonsubstantive amendments to a state agency conflict of interest code which have been approved by the Executive Director or his or her designee shall be transmitted within 30 days by the agency to the Office of Administrative Law for filing with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Division 1 of Title 2 of the Government Code. When the agency files the nonsubstantive amendments with the Office of Administrative Law, it shall:

(1) Indicate that it is transmitting a conflict of interest code approved by the Fair Political Practices Commission for filing; and

(2) Request that the Office of Administrative Law publish the code in its entirety, or request that the Office of Administrative Law print an appropriate reference to the agency's code in its title of the California Code of Regulations.

(g) The nonsubstantive amendments to the conflict of interest code shall become effective on the thirtieth day after approval by the Executive Director or his or her designee or in the case

of a state agency, the thirtieth day after the date of filing with the Secretary of State.

Note: Authority cited: Section 83112, Government Code. Reference: Section 87306, Government Code.

HISTORY

1. New section filed 6-3-77; effective thirtieth day thereafter (Register 77, No. 23).
2. Amendment of subsection (a) filed 4-28-82; effective thirtieth day thereafter (Register 82, No. 18).
3. Amendment filed 1-11-83; effective thirtieth day thereafter (Register 83, No. 3).
4. Amendment filed 4-21-92; operative 5-21-92 (Register 92, No. 19).
5. Editorial correction of subsection (f)(2) (Register 95, No. 40).

LAW OFFICES OF
BEST BEST & KRIEGER LLP

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 AUG 1 PM 2 49

THOMAS J. FACKUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

CONFLICT OF INTEREST CODE
OF THE
DESCANSO
COMMUNITY WATER DISTRICT

BBK – August 2010

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General Counsel	1, 2
Consultant and New Positions ³	

³ Individuals providing services as a Consultant defined in Regulation 18701, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

BBK – August 2010

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The disclosure categories listed below identify the types of economic interests that the Designated Position must disclose for each disclosure category to which he or she is assigned.

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Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Position's department, unit or division.