

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 AUG 23 PM 4 15

**2012 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM**

THOMAS J. PASTUSZKA

CLERK OF THE BOARD
OF SUPERVISORS

Contact Person: Janet Gonzalez Telephone Number: 619 409-6703

Name of Agency: Sweetwater Authority

Mailing Address P.O. Box 2328, Chula Vista, Ca 91912-2328

This agency has reviewed its conflict of interest code and has determined that:

Amendments are necessary: (Attach Amended Code)
(Check all that applies)

Include new positions (including consultants) which must be designated

Revise the titles of existing positions

Delete titles of positions that have been abolished

Delete positions that manage public investments

Revise disclosure categories

Other _____

No amendments are necessary. Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer: [Signature] Date: 8-15-12

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than October 1, 2012 to:**

**Clerk of the Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101**

Approved and/or authorized by the
Board of Supervisors of the County of San Diego.
Meeting Date: 12/17/12 Minute Order No. 20
By: [Signature] Date: 12/17/12
Deputy Clerk of the Board Supervisors



BEST BEST & KRIEGER
ATTORNEYS AT LAW

3390 UNIVERSITY AVENUE, 5TH FLOOR, P.O. Box 1028, RIVERSIDE, CA 92502
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COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
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THOMAS PASTUSKA
CLERK OF THE BOARD
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WASHINGTON, DC
(202) 785-0600

August 21, 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: Sweetwater Authority -
Amendment of 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 Sweetwater Authority. The Code was amended by the Authority on August 8, 2012, by Resolution No. 12-09, a copy of which is also enclosed. As you can see by the enclosed legislative version of the Code, the amendment was done to include new positions that must be designated, revise titles of existing positions, delete titles of positions that have been abolished, revise disclosure categories and update language as provided by the Fair Political Practices Commission to clarify requirements.

Please notify me when this matter will be submitted to the Board for approval. I would also appreciate a copy of the Resolution or Minute Order approving the Authority's amended Code.

Also included with this packet is the Authority's 2012 Conflict of Interest Code Biennial Review Reply Form.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Teresa Zurita, Deputy
Clerk of the Board of Supervisors
County of San Diego
August 21, 2012
Page 2

Please feel free to call or email me if you or County Counsel have any questions regarding the enclosed or this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'DMV', written over a horizontal line.

Dianna Marie Valdez
Conflicts of Interests & Ethics Coordinator
for BEST BEST & KRIEGER LLP
General Counsel
Sweetwater Authority

:dmv

Encls:

Resolution of Adoption
Amended Conflict of Interest Code
Legislative Version of the Amended Code
2012 Biennial Notice

LAW OFFICES OF
BEST BEST & KRIEGER LLP

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 AUG 23 PM 4 15

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

CONFLICT OF INTEREST CODE

FOR THE

SWEETWATER AUTHORITY

BBK – June 2012

CONFLICT OF INTEREST CODE FOR THE
SWEETWATER AUTHORITY

(Amended August 8, 2012)

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 positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Sweetwater Authority** (the "**Authority**").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Board Secretary** as the Authority's Filing Officer. The **Board 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 **Board Secretary** shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SWEETWATER AUTHORITY

(Amended August 8, 2012)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Authority Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the Authority's Code but must file disclosure statements under 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 investments¹:

Members of the Board of Directors

General Manager

Treasurer

Director of Finance

Financial Consultants

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Accounting Manager	5
Administrative Assistant	4
Administrative Services Specialist	4
Assistant General Manager	2, 3, 4
Board Secretary	4
Business Systems Programmer	5
Chief Systems Operator	5
Customer Service Manager	5
Customer Service Supervisor	5
Director of Administrative Services	4
Director of Distribution	5
Director of Engineering	3, 5
Director of Information Services	5
Director of Water Quality	3, 5
Distribution Manager (ALL)	5
Engineer	3, 5
Engineering Manager (ALL)	3, 5
Environmental Specialist	2, 5

<u>DESIGNATED POSITIONS' TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES ASSIGNED</u>
General Counsel	1, 2
Human Resources Manager	5
Information Systems Supervisor	5
Laboratory Supervisor	5
Principal Engineer	2, 3, 5
Principal Engineering Technician	2, 3, 5
Principal Engineering/Design Technician	2, 3, 5
Procurement Specialist	4
Program Supervisor	5
Public Affairs Manager	5
Safety Coordinator	5
Senior Planner	1, 2
Systems Analyst	5
Systems Operator/Maintenance Superintendent	5
Water Conservation Coordinator	5
Water Treatment Superintendant	5
Watershed Coordinator	2, 5
Watershed Manager	2, 5

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Consultant and New Positions²

² 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.)

EXHIBIT "B"

DISCLOSURE CATEGORIES

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.

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 Authority.

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 Authority.

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 Authority.

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 Authority.

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.

RESOLUTION 12-09

RESOLUTION OF THE GOVERNING BOARD OF
SWEETWATER AUTHORITY ADOPTING AN AMENDED
CONFLICT-OF-INTEREST CODE PURSUANT TO THE
POLITICAL REFORM ACT OF 1974

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 AUG 23 PM 4 15

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Sweetwater Authority (the "Authority") and requires all public agencies to adopt and promulgate a conflict-of-interest code; and

WHEREAS, the Governing Board adopted a Conflict-of-Interest Code (the "Code") which was amended September 8, 2010, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the Authority and the Act have made it advisable and necessary to amend and update the Authority's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the Authority being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Governing Board of the Sweetwater Authority of, the proposed amended Code was provided each affected designated position and publicly posted for review at the offices of the Authority; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Governing Board on August 8, 2012, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of Sweetwater Authority that the Governing Board does hereby adopt the proposed amended Conflict-of-Interest Code, a copy of which is attached hereto and shall be on file with the Board Secretary and available to the public for inspection and copying during regular business hours;

RESOLUTION 12-09

BE IT FURTHER RESOLVED that the said amended Conflict-of-Interest Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective thirty (30) days after the Board of Supervisors of the County of San Diego approves the proposed amended Code as submitted.

APPROVED AND ADOPTED this 8th day of August, 2012, by the following vote to wit:

AYES: Directors Morrison, Pocklington, Preciado, Rubalcaba, Thomas,
and Van Deventer
NOES: None
ABSTAIN: None
ABSENT: Director Welsh


Ron Morrison, Chair

ATTEST:


Janet Gonzalez, Board Secretary

LAW OFFICES OF
BEST BEST & KRIEGER LLP

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

LEGISLATIVE VERSION
2012 AUG 23 PM 4:15
(showing changes made)

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

CONFLICT OF INTEREST CODE
FOR THE
SWEETWATER AUTHORITY

CONFLICT OF INTEREST CODE FOR THE
SWEETWATER AUTHORITY

(Amended September 8, 2010 August 8, 2012)

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 **Sweetwater Authority** (the "**Authority**").

All officials and designated ~~employees~~positions required to submit a statement of economic interests shall file their statements with the **Board Secretary** as the Authority's Filing Officer. The ~~Filing Officer~~Board 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~~Board 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.)

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
SWEETWATER AUTHORITY

(Amended ~~September 8, 2010~~ August 8, 2012)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Authority Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the Authority's Code but ~~are subject to the disclosure requirements of the Act.~~ (must file disclosure statements under 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 investments¹:

Members of the Board of Directors

General Manager

Treasurer

Director of Finance

Financial Consultants

¹ 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.

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>
Accounting Manager	5
Administrative Assistant	4
<u>Administrative Services Specialist</u>	<u>4</u>
<u>Director of Administrative Services Director</u>	4
Assistant General Manager	2, 3, 4
Board Secretary	4
Business Systems Programmer	5
Chief Water Plant Operator	5
Communications Coordinator <u>Public Affairs Manager</u>	5
<u>Chief Systems Operator</u>	<u>5</u>
Customer Service Manager	5
Customer Service Supervisor	5
Director of Distribution	5
Director of Engineering	3, 5
Director of Water Quality	3, 5
Distribution Manager (ALL)	5
Engineer	3, 5
Engineering Manager (ALL)	3, 5

<u>DESIGNATED EMPLOYEES' POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
<u>Environmental Specialist</u>	2, 5
General Counsel	1, 2
Human Resources Coordinator <u>Manager</u>	5
<u>Director of Information Systems</u> Director <u>Services</u>	5
Information Systems Supervisor	5
Junior Buyer <u>Procurement Specialist</u>	4
Laboratory Supervisor	5
Principal Engineer	2, 3, 5
Principal Engineering Technician	2, 3, 5
Principal Engineering/Design Technician	2, 3, 5
Program Supervisor	5
Safety Coordinator	5
Senior Planner	1, 2
Systems Analyst	5
Systems Operator/Maintenance Superintendent	5
Water Conservation Coordinator	5
<u>Water Treatment Superintendant</u>	5
Water Treatment Plant Operations Supervisor	5
Water Treatment Superintendent/Principal Engineer	5
Watershed Coordinator	2, 5
Watershed Manager	2, 5

DESIGNATED EMPLOYEES' POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Consultant and New Positions²

² ~~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.)~~

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 Authority.

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 Authority.

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 Authority.

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 Authority.

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.