RAINBOW
MUNICIPAL WATER DISTRICT
Committed to Excellence

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2013 APR 30 AM 11 03

CLERK OF THE BOARD
OF SUPERVISORS

April 25, 2013

Ms. Teresa Zurita
Senior Board Assistant
Clerk of the Board of Supervisors
1800 Pacific Highway, Room 402
San Diego, CA 92101

RE: Rainbow Municipal Water District's Conflict of Interest Code

Dear Ms. Zurita:

Per our conversation on April 24, 2013, please find enclosed a copy of the Rainbow Municipal Water District's amended Conflict of Interest Code approved by its Board of Directors on April 23, 2013 to file within your office.

If you require additional information or have any questions, please feel free to contact me at (760) 728-1178 Ext. 129. Thank you in advance for your assistance with this matter.

Sincerely,

Dawn M. Washburn
Executive Assistant

/dmw

Approved and/or authorized by the Board of Supervisors of the County of San Diego.
Meeting Date: 6/18/13 Minute Order No. 24
By: Nancy Vizcaya Date: 6/26/13
Deputy Clerk of the Board Supervisors

3707 Old Highway 395 •Fallbrook, CA 92028
(760) 728-1178 • Fax (760) 728-2575 • www.rainbowmwd.com

Section 1.02.020
Conflict of Interest

1.02.020.01 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 has adopted a regulation (2 Cal. Code Regs. Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in any agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to confirm to amendments in the Political Reform Act.

1.02.020.02 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 positions, and establishing disclosure requirements, shall constitute the conflict of interest code of the Rainbow Municipal Water District.

1.02.020.03 Individuals holding designated positions shall file their Statements of Economic Interest with Rainbow Municipal Water District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the statements for the Board Members and designated positions, the original of these statements shall be forwarded to the County Board of Supervisors. Copies of all other non-designated employees will be maintained at the District office.

Appendix A
Rainbow Municipal Water District Conflict of Interest Code

Preamble

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from Rainbow Municipal Water District's General Counsel. (Gov. Code § 83114; 2 CCR § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code § 83114(a).)

Opinions rendered by General Counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on General Counsel's opinion as evidence of good faith. In addition, Rainbow Municipal Water District may consider whether such reliance should constitute a mitigating factor to any disciplinary action that Rainbow Municipal Water District may bring against the requesting party under Government Code section 91003.5.

Part I - Designated Positions

Designated Employees	Categories Disclosed
Members of the Board of Directors	All
General Manager	All
General Counsel	All
Assistant General Manager/Financial Manager	2
District Engineer	2
Water Operations & Customer Service Manager	2
Standing District Committee Members	2
[1]Consultants	2

[1] With respect to consultants, the General Manager may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the written disclosure requirements described in these categories. 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. The General Manager's determination is a public record and shall be retained for public inspection by Rainbow Municipal Water District in the same manner as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Part II - Disclosure Categories

Category 1.

A designated employee or person in this category shall report all interests in real property, and investments in, and income from, business entities of the type to operate or provide any of the following:

Accounting or auditing services
Banks and savings and loans
Computer hardware or software, or computer services or consultants
Communications equipment or services
Insurance brokers and agencies
Insurance adjusting, claims auditing or administration, or underwriting services
Office equipment or supplies
Personnel and employment companies and services
Printing or reproduction services, publications, and distribution
Securities, investment or financial services companies
Title insurance and escrow
Construction supplies, service or equipment
Engineering and surveying services
Land development services

Category 2.

A designated employee in this category shall disclose all business positions in, investments in, and income from any business of the type to provide personnel, services, supplies, material, machinery, or equipment to Rainbow Municipal Water District and is associated with the job assignment or position of the designated employee or person.

Appendix B
Statement of Duties of Employees of and Consultants to Rainbow Municipal Water District

Members of the Board of Directors

The Board of Directors acts as the Rainbow Municipal Water District's governing body. Members of the Board of Directors formulate general policy and programs of Rainbow Municipal Water District, and each member of the Board of Directors therefore is designated.

General Manager

General Manager oversees the day-to-day operations of Rainbow Municipal Water District. He or she participates in the formulation and implementation of the policies and programs of Rainbow Municipal Water District and therefore is designated.

General Counsel

General Counsel, currently hired on a contract basis, advises Rainbow Municipal Water District on its day-to-day activities, including its relationships with the independent contractors who serve in a staff capacity to Rainbow Municipal Water District, and compliance with applicable laws and regulations. He or she participates in the formulation and implementation of the policies and programs of Rainbow Municipal Water District and therefore is designated.

Assistant General Manager/Financial Manager

An employee of the Rainbow Municipal Water District, the Assistant General Manager oversees the General Manager responsibilities in the General Manager's absence.

An employee of the Rainbow Municipal Water District, the Financial Manager is Rainbow Municipal Water District's Chief Financial Officer and helps manage the finances of Rainbow Municipal Water District. The Financial Manager makes reports from time to time on the financial results of operations of Rainbow Municipal Water District, and recommends fiscal policies to the Board of Directors. The Financial Manager "manages public investments" within the meaning of applicable regulations. He or she therefore is designated.

District Engineer

The Assistant General Manager/District Engineer provides engineering services and oversight to Rainbow Municipal Water District, including implementation of capital replacement projects. He or she participates in the formulation of Rainbow Municipal Water District's general policies and programs in the area of engineering and is therefore designated.

Water Operations & Customer Service Manager

An employee of Rainbow Municipal Water District, the Water Operations & Customer Service Manager oversees the operation and maintenance of the water lines and structures. He or she participates in the formulation of Rainbow Municipal Water District's general policies and programs in the area of operations and maintenance and is therefore designated.

Auditor

Rainbow Municipal Water District has contracted with one or more accounting firms to handle financial audits of Rainbow Municipal Water District's finances and investments. These firms implement decisions of the Rainbow Municipal Water District's Board of Directors. Because these auditors' duties are restricted in the manner described herein, they do not participate in the formulation and implementation of the policies and programs of Rainbow Municipal Water District, and also do not "manage public investments" within the meaning of applicable regulations. Therefore, designation is not required.

Standing District Committee Members

A member or alternate committee member of a Rainbow Municipal Water District standing committee serves at the pleasure of the Board. These committees are advisory to the Board with regard to matters within their respective areas of responsibility. A committee has jurisdiction to consider and make a recommendation to other committees and to the Board regarding any item of business within the responsibility of the committee. Committee recommendations shall be communicated to the Board. A committee may consider other matters referred to it by the Board.