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

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

Contact Person: Josiane Ross Telephone Number: 619-667-6271

Name of Agency: Water Conservation Garden Authority

Mailing Address c/o Helix Water District, 7811 University Ave, La Mesa 91942-0427

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 Include language from the FPPC to clarify requirements

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: Charles S. Moore Date: 8/10/12

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: 12/4/12 Minute Order No. 20
By: Thomas J. Pastuszka Date: 12/17/12
Deputy Clerk of the Board Supervisors



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COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
SACRAMENTO (916) 325-4000
SAN DIEGO (619) 525-1300

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WALNUT CREEK (925) 977-3300
WASHINGTON, DC (202) 785-0600
CLERK OF THE BOARD
OF SUPERVISORS

September 20, 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: Water Conservation Garden 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 Water Conservation Garden Authority amended by Resolution No. 142 of the Authority on September 12, 2012. As you can see by the enclosed legislative version of the Code, the amendment was done to include a new position that must be designated, revise titles of existing positions, and update language of the incorporation page and Appendix as provided by the Fair Political Practices Commission to help clarify requirements.

Please let me know 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.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

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THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

Teresa Zurita, Deputy
Clerk of the Board of Supervisors
County of San Diego
September 20, 2012
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As always, please feel free to call or email me if you or County Counsel have any questions regarding this matter.

Sincerely,

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

Dianna Marie Valdez, Senior Paralegal
Conflicts of Interests & Ethics Coordinator
for BEST BEST & KRIEGER LLP
General Counsel
Water Conservation Gardens Authority

:dmv

Encls:

Resolution of Adoption
Amended Conflict of Interest Code
Legislative Version of the Amended Code

RESOLUTION NO. 142

2012 SEP 25 AM 8 38

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WATER CONSERVATION GARDEN AUTHORITY
ADOPTING AN AMENDED CONFLICT OF INTEREST
CODE PURSUANT TO THE POLITICAL REFORM ACT OF
1974

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 Water Conservation Garden Authority (the "Authority") and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") on September 8, 2010, in compliance with Government Code Section 81000, et seq.; and

WHEREAS, subsequent changed circumstances within the Authority have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act 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

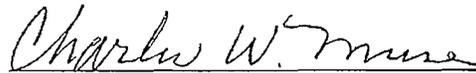
WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed Conflict of Interest Code was provided each designated employee and publicly posted for review at the offices of the Authority; and

WHEREAS, a public meeting was held upon the proposed amended Appendix of the Code at a regular meeting of the Board of Directors on September 12, 2012, at which all present were given an opportunity to be heard on the proposed amended Code.

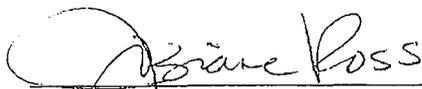
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Water Conservation Garden Authority that the Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Board Secretary and shall be available to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

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 amended Code shall become effective 30 days after the Board of Supervisors approves the proposed Code as submitted.

APPROVED AND ADOPTED this 12th day of September, 2012.


Chairman, Board of Directors
Water Conservation Garden Authority

ATTEST:


Board Secretary
Water Conservation Garden Authority

CONFLICT OF INTEREST CODE
OF THE
WATER CONSERVATION GARDEN AUTHORITY

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) that 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 Section 18730 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 § 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730, and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Water Conservation Garden 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 their Alternates, and the Executive Director, 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 of all other designated positions and make all retained statements available for public inspection and reproduction (Gov. Code Section 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

WATER CONSERVATION GARDEN AUTHORITY

(Adopted September 12, 2012)

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 must file disclosure statements under Gov. 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 and Alternates

Executive Director

Treasurer

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>
Development Officer	1
Director of Events & Marketing	1
Director of Horticulture & Facilities	5
Education Director	5
General Counsel	1, 2

MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS

Facilities Task Force	5
Governing Board	4
Consultants and New Positions ²	

² Individuals serving as a consultant as defined in FPPC Reg 18701 or in a new position must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive Director may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate 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. The Executive Director'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.

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.

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

LEGISLATIVE VERSION

2012 SEP 25 AM 8 38

THOMAS J. PACTUSZKA

CONFLICT OF INTEREST CODE

OF THE
OF SUPERVISORS

WATER CONSERVATION GARDEN AUTHORITY

The Political Reform Act (~~Government~~Gov. 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 of Regs. ~~§~~Section 18730) ~~that~~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 Section 18730 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, rRegulation 18730, (attached) and the attached Appendix designating ~~officials and employees~~positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Water Conservation Garden Authority** (the "**Authority**").

All ~~O~~fficials and ~~D~~esignated ~~E~~mployeespositions required to submit a statement of economic interests shall file their statements with the **Board Secretary**~~Clerk of the Board of Directors~~ as the Authority's Filing Officer. The ~~Filing Officer~~**Board Secretary** shall make and retain a copy of all statements filed by all Members of the Board of Directors and their Alternates, and the ~~General Manager~~**Executive Director**, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The **Board Secretary**~~Filing Officer~~ shall retain the originals of the statements of all other ~~D~~esignated ~~E~~mployeespositions. ~~The Filing Officer will~~ and make all retained statements available for public inspection and reproduction (Gov. Code Section 81008~~).~~).

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

WATER CONSERVATION GARDEN AUTHORITY

(Adopted ~~September 8, 2010~~ September 12, 2012)

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 must file disclosure statements under ~~are subject to the disclosure requirements of the Act. (Government Gov. 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 and Alternates

Executive Director

Treasurer

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>
Development Director <u>Officer</u>	1
Education Director	5
<u>Director of Events & Marketing Specialist</u>	1
General Counsel	1, 2
<u>Director of Horticulture & Facilities Manager</u>	5

MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS

Facilities Task Force	5
<u>Governing Board</u>	4

Consultants and New Positions²

² Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: Individuals serving as a consultant as defined in FPPC Reg 18701 or in a new position must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive Director 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. The Executive Director'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. The Executive Director may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate 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. The Executive Director'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.

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 the Designated Employee~~ 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, 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 ~~D~~ designated Employee's position's department, unit or division.