CONFLICT OF INTEREST CODE OF THE METRO WASTEWATER JPA

(Adopted February 22, 2002)

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 of Regs. 18730) which contains the terms of a standard conflict of interest 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 regulation (attached) and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Metro Wastewater JPA (the "JPA").

All Officials and Designated Employees required to submit a statement of economic interests shall file their statements with the Administrative Assistant as the JPA's Filing Officer. The Filing Officer shall make and retain a copy of all statements filed by the Board of Directors, their Alternates, and the Treasurer, and forward the originals of such statements to the Clerk of the Board of Supervisors. The Filing Officer shall retain the originals of the statements of all other Designated Employees. The Filing Officer will make all retained statements available for public inspection and reproduction (Gov. Code Section 81008).

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

METRO WASTEWATER JPA

(Amended December 2, 2004)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Metro Wastewater JPA Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the JPA's Code, but are subject to the disclosure requirements of the Act (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 investments[1]:

Members of the Board of Directors and their Alternates

Treasurer

Investment Consultant

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

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Engineering Project Manager	2, 3, 6
Financial Services Manager	1, 2
General Counsel	1, 2
Consultant[2]	

[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:

The Board of Directors 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 Board of Directors' 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, or real property which the Designated Employee 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 that are located in, do business in or own real property within the jurisdiction of the JPA.

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 JPA.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the JPA.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the JPA.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

RESOLUTION NO. 2004 - 01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE METRO WASTEWATER JPA ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the Legislature of 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 Metro Wastewater JPA (the "JPA") 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") which was amended on February 22, 2002, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the JPA have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the JPA'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 JPA 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 amended Code was provided each affected designated employee and publicly posted for review; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on December 2, 2004, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED BY THE METRO WASTEWATER JPA AS FOLLOWS:

Section 1. The Metro Wastewater JPA does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Administrative Assistant and available to the public for inspection and copying;

Section 2. That the said amended Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective 30 days after the Board of Supervisors approves the proposed amended Code as submitted.

PASSED, APPROVED AND ADOPTED this 2nd day of December, 2004, by the following vote, to wit:

AYES: Breitfelder, Howell, Isbell, Lewis, Madrid, Winter

NOES: None

ABSENT: Abarbanel, Inzunza, Jones, Scalzitti, Schmidt

ABSTAIN: None

Chair, Board of Directors
Metro Wastewater JPA

ATTEST:

Secretary, Board of Directors
Metro Wastewater JPA

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE OF THE METRO WASTEWATER JPA

(~~Adopted February 22, 2002~~Amended December 2, 2004)

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 of Regs. 18730) which contains the terms of a standard conflict of interest 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 regulation (attached) and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Metro Wastewater JPA (the "JPA").

All Officials and Designated ~~employees~~ Employees required to submit a statement of economic interests shall file their statements ~~of economic interests~~ with the ~~Metro Wastewater JPA's Contract~~ Administrative Assistant as the JPA's Filing Officer. The Filing Officer ~~who~~ shall make and retain a copy of all statements filed by the Board of Directors, their Alternates, and the Treasurer, and forward the ~~original~~originals of such statements to the ~~JPA's filing officer (the County Board of Supervisors) for filing~~ Clerk of the Board of Supervisors. The ~~JPA's filing officer~~Filing Officer shall retain the originals of the statements of all other Designated Employees. The Filing Officer will make ~~the~~ all retained statements available for public inspection and reproduction (Gov. Code Section 81008).

APPENDIX

CONFLICT OF INTEREST CODE
OF THE
METRO WASTEWATER JPA

(~~Adopted February 22, 2002~~Amended December 2, 2004)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

~~For purposes of disclosure, all~~ Metro Wastewater JPA Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the JPA's Code, but are subject to the ~~statutory conflict of interest provisions of Article 2 of Chapter 7 of the Political Reform Act of 1974~~ disclosure requirements of the Act (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 investments[1]:

Members of the Board of Directors and their Alternates
~~Alternate Members of the Board of Directors~~
Treasurer
~~Secretary~~
~~Other Officers in charge of Funds and Accounts~~
Financial Consultant

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

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
~~Contract Administrative Assistants~~	~~5~~
Finance Director	1, 2
General Manager	1, 2
General Counsel	1, 2
Project Engineer	2, 3, 6
Consultant[2]	

[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:

The Board of Directors 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 Board of Directors' 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, or real property which the Designated Employee 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 ~~from, business entities~~ that are located in, do business ~~with the Metro Wastewater JPA~~ in or own real property within the jurisdiction of the ~~Metro Wastewater~~ JPA~~, plan to do business with or own real property within the jurisdiction of the Metro Wastewater JPA within the next year, or have done business or owned real property within the jurisdiction of the Metro Wastewater JPA within the past two (2) years~~.

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 ~~Metro Wastewater~~ JPA.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or ~~that~~ the acquisition or sale of real property within the jurisdiction of the ~~Metro Wastewater~~ JPA~~, plan to engage in such activities with the jurisdiction of the Metro Wastewater JPA within the next year, or have engaged in such activities within the jurisdiction of the Metro Wastewater JPA within the past two (2) years~~.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the ~~Metro Wastewater~~ JPA.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.