

**RESOLUTION NO. 2016-11**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
BUENA SANITATION DISTRICT AMENDING THE LIST OF  
DESIGNATED EMPLOYEES SUBJECT TO THE PROVISIONS  
OF THE CONFLICT OF INTEREST CODE**

**The Buena Sanitation District Board of Directors does resolve as follows:**

**1. Findings.**

A. The Political Reform Act of 1974, California Government Code Section 81000, et seq., requires the Buena Sanitation District to adopt a Conflict of Interest Code ("Code"), and periodically review and amend it, if amendments are required.

B. All persons required to file a financial disclosure statement pursuant to the Conflict of Interest Code shall file such statements with the Clerk of the Board of the Buena Sanitation District at such times and in the manner prescribed by the provisions of the Conflict of Interest Code.

**Filing Requirements**

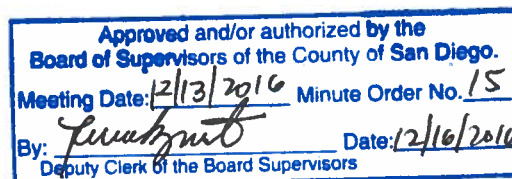
A. Pursuant to Government Code Section 82011(b) and 87500(j), the County Board of Supervisors is the code reviewing body and the filing officer for the Buena Sanitation District. The Clerk of the Board of the Buena Sanitation District shall make and retain a copy of the financial disclosure statements of the Members of the Board of Directors of the Buena Sanitation District and forward the original to the County Board of Supervisors. Members of the Board of Directors of the Buena Sanitation District may file an "Expanded Statement," covering territory of the District which is outside the jurisdiction of the City. If a member files an "Expanded Statement," the Clerk shall forward a copy of the statement with an original signature to the Board of Supervisors. Designated employees who are required to file statements under the City's Conflict of Interest Code may also file an "Expanded Statement."

C. The Clerk of the Board shall retain the originals of all other financial disclosure statements filed pursuant to this Resolution.

**Designated Employees**

A. From time to time, and not later than October 1 of each even numbered year, in accordance with Section 87306.5 of the Political Reform Act of 1974, upon order of the Board of Supervisors of the County of San Diego, the District Manager shall review the Conflict of Interest Code and submit to the Board any recommended changes. The Buena Sanitation District Board of Directors may adopt any changes required to the Conflict of Interest Code by Resolution, or may amend the listing of designated employees who are subject to the requirements of this Resolution and shall submit such adoption or amendment to the County Board of Supervisors or respond in writing that no changes are needed.

B. The persons holding the positions enumerated in the list of designated employees, attached hereto as the Appendix, are "designated employees" within the meaning of the Conflict of Interest Code adopted pursuant to this Resolution, and shall file disclosure statements for each of the disclosure categories as defined in Section 4 below.



C. In addition to those persons holding the positions enumerated in the Appendix, attached hereto, every consultant employed by the Buena Sanitation District is a designated employee for purposes of this resolution and shall be required as a condition of employment to file a financial disclosure statement under the broadest disclosure category, except as follows:

Upon petition, the District Manager may determine in writing that the scope of services to be provided by any consultant or the level of participation in any decision is necessarily limited and that such consultant is not subject to the requirements of the Conflict of Interest Code, or the disclosure category for such consultant shall be a narrower category. The District Manager's written determination shall include a description of the consultant's duties and, based upon that description, a statement of the basis for finding an exemption or such narrower disclosure record and shall be filed in the Office of the Clerk of the Board of the Buena Sanitation District in the same manner as required for financial disclosure statements.

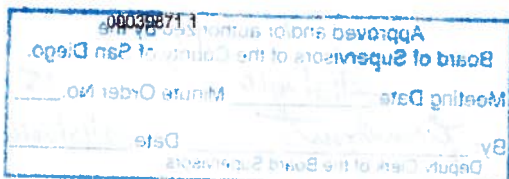
**Disclosure categories**

Disclosure categories are as follows:

- Category 1: Investments and business positions in business entities and sources of income.
- Category 2: Interests in real property.
- Category 3: Investments, and business positions in business entities, interests in real property, and sources of income subject to the regulatory, permit or licensing authority of the department, board, commission, or city agency.
- Category 4: Investments, and business positions in business entities, in business entities and sources of income which engage in land development, construction, acquisition or sale of real property.
- Category 5: Investments, and business positions in business entities, in business entities and sources of income of the type which, within the past two years, have contracted with the designee employee's department or board or commission, to provide services, supplies, materials, machinery or equipment.
- Category 6: Investments, and business positions in business entities, in business entities and sources of income of the type which, within the past two years, have contacted with the City, or a City agency, to provide services, supplies, materials, machinery or equipment.

**Exemptions**

Pursuant to section 87100.1 of the Political Reform Act of 1974, a registered professional engineer of a licensed land surveyor who renders professional services as a consultant, either directly or through a firm in which he or she is employed or is a principal, is not required to file a financial disclosure statement under this Resolution, where the consultant renders professional engineering or land surveying services independently of the control and direction of the Buena Sanitation District and does not exercise public agency decision making authority as a contract District Engineer or surveyor pursuant to Sections 6703 or 8703 of the Business and Professions Code. However, this exemption shall not apply to that portion of the work performed by any registered professional engineer or



licenses land surveyor in connection with any recommendation of the formula to spread costs of an assessment district if:

A. The engineer has received income of \$250.00 or more for such professional services within twelve (12) months prior to the creation of an assessment district; and,

B. The district includes other parcels in addition to those parcels for which the engineer received the income. The recommendation of the actual formula for spreading an assessment does not include preliminary site studies, preliminary engineering, plans, specifications, estimates, compliance with environmental laws and regulations, or the collection of data and information utilized in applying the formula.

D. The Buena Sanitation District Board has directed the District Manager to review the current Code, including the list of those positions identified as "designated employees" in the Appendix.

E. The Buena Sanitation District Board has received and considered the recommendations of the District Manager and the Clerk of the Board with respect to the proposed changes to the Appendix of positions identified as "designated employees" subject to the provision for financial disclosure under the Code.

**2. Action.**

A. The list of those positions of the Buena Sanitation District identified as "designated employees" of the District for purposes of requiring the filing of financial disclosure statements pursuant to the District's Code, and the disclosure categories under which such financial disclosure shall be made, is approved as identified in the Appendix attached and incorporated by reference.

B. Resolution 2012-10 is hereby rescinded.

**3. Adoption. PASSED AND ADOPTED** at a meeting of the Board of Directors of the Buena Sanitation District on September 27, 2016, by the following vote:

AYES: Mayor Ritter, Aguilera, Rigby, Franklin

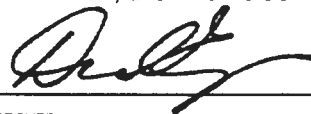
NOES: None

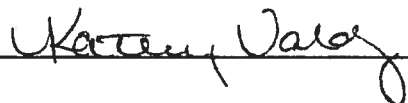
ABSTAIN: None

  
\_\_\_\_\_  
JUDY RITTER, CHAIRPERSON

APPROVED AS TO FORM:  
DAROLD PIEPER, DISTRICT COUNSEL

ATTEST:  
KATHY VALDEZ, CLERK OF THE BOARD

By:   
\_\_\_\_\_  
APPROVED  
Darold Pieper  
20160725154025

By:   
\_\_\_\_\_

**APPENDIX TO THE BUENA SANITATION DISTRICT  
CONFLICT OF INTEREST CODE**

**DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES**

The following officials of the Buena Sanitation District are designated by Section 87200 of the Political Reform Act as being required to file Statements of Economic Interests.

<b><u>OFFICIALS</u></b>	<b><u>DISCLOSURE CATEGORIES</u></b>
Chairperson	1,2
Members of the Board	1,2
District Manager	1,2
District Counsel	1,2
District Treasurer/Director of Finance	1,2
Clerk of the Board	1,2

The following officials and employees are hereby determined to be other public officials who manage public investments and shall file Statements of Economic Interests in accordance with the disclosure categories identified for each, pursuant to this resolution.

<b><u>DEPARTMENT AND POSITION</u></b>	<b><u>DISCLOSURE CATEGORIES</u></b>
Assistant District Manager	1,2
Assistant District Counsel	1,2
Director of Community Development	1,2
City Engineer	1,2
Senior Engineer	2,4,5
Construction Manager	1,2
Finance Manager	1,2
Members of the Investment Advisory Committee	1,2

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<u>DEPARTMENT AND POSITION</u>	<u>DISCLOSURE CATEGORIES</u>
Assistant District Manager	1,2
Assistant District Counsel	1,2
<del>Sewer Program Director</del>	<del>1,2</del>
Director of <del>Engineering</del> Community Development	1,2
City Engineer	1,2
Senior Engineer	2,4,5
Construction Manager	1,2
Finance Manager	1,2
<del>Accountant</del>	<del>1,2</del>
Members of the Investment Advisory Committee	1,2