

CHAPTER 8

**EAST COUNTY ADVANCED WATER PURIFICATION
JOINT POWERS AUTHORITY
CONFLICT OF INTEREST CODE**

(Adopted February 20, 2020)

COUNTY OF SAN DIEGO

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CLERK OF THE BOARD
OF SUPERVISORS

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 Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 (attached) and the attached Appendix designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the East County Advanced Water Purification Joint Powers Authority (the "JPA").

Pursuant to a Joint Exercise of Powers Agreement effective November 1, 2019, Padre Dam Municipal Water District serves as the Interim Administrator (herein referred to as "Administrator") for the JPA, responsible for managing and administering the JPA. All officials and designated positions shall file their statements of economic interests with Administrator's Board Secretary as the Filing Officer/Official. The Administrator's Board Secretary shall make and retain a copy of all statements filed by members of the Board of Directors and the Administrator's General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The Administrator's 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.)

Approved and/or authorized by the
Board of Supervisors of the County of San Diego.
Meeting Date: 4/12/2021 Minute Order No. 14
By: [Signature] Date: 4/12/2021
Deputy Clerk of the Board Supervisors

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

EAST COUNTY ADVANCED WATER PURIFICATION JOINT POWERS AUTHORITY ("JPA")

(Adopted February 20, 2020)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

JPA Officials, including those of its Administrator, who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to the JPA'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 JPA's Board of Directors

Administrator's General Manager

Administrator's Director of Finance and 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>
Administrative Assistant	5
Board Secretary	5
Communications Manager	5
Director of Engineering and Planning	2, 3, 5
Director of Operations and Water Quality - AWP	5
Engineer	2, 3, 5
Engineering Manager	2, 3, 5
Legal Counsel	1, 2

Consultants and New Positions²

NOTE: All Designated Positions, except General Counsel, are employees of the Administrator.

² Individuals serving as a consultant as defined in FPPC Reg. 18700.3 or in a new position as defined in Regulation 18734 that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The JPA's Administrator 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 § 82019; FPPC Regs. 18219 and 18734.) The Administrator'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 § 81008.)

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic investments that the designated position must disclose for each disclosure category to which he or she is assigned.³ "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the JPA.

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 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 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 JPA.

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 JPA.

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.

³ This Conflict of Interest Code does not require the reporting of gifts from outside the JPA's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)