

CONFLICT OF INTEREST CODE OF THE ENCINA WASTEWATER AUTHORITY

Preamble

Any person designated in Section I or II 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 the Authority's General Counsel. [Gov. Code 83114, 2 Cal. Code of Regs. 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).]

If General Counsel renders an opinion stating in full the facts and the law upon which the opinion is based, compliance by the requesting party with such an opinion shall be evidence of good faith in any civil or criminal proceeding. Compliance with the opinion of General Counsel shall also act as a complete defense to any disciplinary action that the Authority may bring under Government Code section 91003.5.

Designated Employees

1. Designated employees listed in Column I must disclose sources of income, gifts, interests in real property, and all investments and business positions in business entities which manufacture, distribute, sell or supply the goods or services listed in Column II.

2. Reportable investments and business positions in any business entity, sources of income and interests in real property, are disclosable if held, regardless of any contractual relationship with the Authority at any time.

COLUMN I	COLUMN II
PUBLIC OFFICIAL'S FUNCTION OR TITLE	TYPE OF BUSINESS ENTITY, BUSINESS POSITION, INVESTMENT, SOURCE OF INCOME, OR REAL PROPERTY DISCLOSABLE
Members of the Board of Directors	1. Real property, including brokers.
General Manager	2. Real estate development.
Treasurer	3. Construction and building materials.
Assistant General Manager	4. Engineering, surveying, architectural, and appraising.

Approved and/or authorized by the
Board of Supervisors of the County of San Diego.
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By: *[Signature]* Date: 12/11/2018
Deputy Clerk of the Board Supervisors

General Counsel	5. Soils testing, analysis, and compaction.
Department Directors	6. Pipes, valves, pumps, motors, meters or other wastewater treatment plant and sewer system materials, parts or equipment.
Administrative Services Manager	7. Wastewater treatment plant and sewer system chemicals and supplies.
Director of Operations	8. Office equipment and supplies.
Engineering Services Manager	9. Computer hardware, software, and computer services.
Human Resources Manager	10. Wastewater treatment plant and sewer testing equipment, supplies and service.
Industrial Waste Control Inspector	11. Motor vehicles, construction equipment, parts and service.
Laboratory Manager	12. Equipment rental.
Maintenance Manager	13. Petroleum products.
Resource Recovery Manager	14. Safety equipment and supplies.
Safety and Training Manager	15. Newspapers, media, printing and reproduction services.
Source Control Manager	16. Banks and savings and loans.
Systems Manager	17. Title insurance and escrow.
Member Agency Managers	18. Financial audit services.
	19. Insurance, including brokers and agencies.
	20. Employment and manpower agencies.
	21. Business positions of director, officer, partner, trustee, employee or position of management which is held in business entity.

3. The officials listed below are also “designated employees” who are subject to the provisions of this Code. Each such designated employee is required to disclose interests only in those categories set forth above which are identified by the numbers listed opposite his or her title.

COLUMN I	COLUMN II
PUBLIC OFFICIAL’S FUNCTION OR TITLE	TYPE OF BUSINESS ENTITY, BUSINESS POSITION, INVESTMENT, SOURCE OF INCOME, OR REAL PROPERTY DISCLOSABLE
<u>EWA Staff:</u>	
Auditor	9, 16, 18, 21
Secretary	8, 15, 20, 21
<u>Consultants:</u>	
Appraisers	1, 2, 17, 21
Independent Financial Auditor	9, 16, 18, 21
Engineering Consultants	1, 2, 3, 4, 5, 6, 7, 9, 10, 21
Public Information Consultants	15, 21
Insurance Consultants	19, 21
Data Processing Consultants	8, 9, 21
Financial Management Extension of Staff	16, 18, 21
Other Consultants, including Special Counsel ¹	

¹ With respect to Other Consultants, including but not limited to Special Counsel, the General Manager may determine in writing that a particular consultant or special counsel is hired to perform a range of duties that are limited in scope and thus is not required to comply with all the disclosure requirements described in these categories. Such 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 shall forward a copy of this determination to the San Diego County Board of Supervisors. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

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1. Standard Code of FPPC

The Political Reform Act of 1974 (Government Code § 81000 *et seq.*) requires each state and local government agency to adopt and promulgate a conflict of interest code. As a local government agency, the Encina Wastewater Authority is therefore required to adopt such a code. The Fair Political Practices Commission ("FPPC") has adopted a regulation (2 Cal. Code of Regs. § 18730) which contains the terms of a model conflict of interest code, which can be incorporated by reference as an agency's code. After public notice and hearing, the regulation may be amended by the FPPC to conform to amendments in the Political Reform Act.

2. Adoption of Standard Code of FPPC

The terms of 2 California Code of Regulations section 18730 and any future amendments to it duly adopted by the FPPC are hereby adopted and incorporated herein by reference. This regulation and the Appendix attached hereto designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code of the Encina Wastewater Authority. This code shall take effect when approved by the Board of Supervisors for the County of San Diego, and shall thereupon supersede all prior codes adopted by the Encina Wastewater Authority.

3. Filing of Statements of Economic Interests

Pursuant to Section 4 of the model code set forth in 2 California Code of Regulations section 18370(b), designated employees set forth in the Appendix shall file statements of economic interests (Form 700) with the Secretary of the Encina Wastewater Authority. Upon receipt of the statements of the members of the Board of Directors of the Authority and the General Manager, the Secretary shall make and retain copies and forward the originals of these statements to the Clerk of the Board of Supervisors for the County of San Diego. Statements for all other designated employees shall be retained by the Secretary.

APPROVED AND ADOPTED by the Board of Directors of the Encina Wastewater Authority on the 20th day of November, 2002.

<ORIGINAL SIGNATURE ON FILE>

Chair, Board of Directors
Encina Wastewater Authority

ATTEST:

<ORIGINAL SIGNATURE ON FILE>

Secretary to the Board of Directors
Encina Wastewater Authority