

**SAN ELIJO JOINT POWERS AUTHORITY  
CONFLICT OF INTEREST CODE**

The Political Reform Act of 1974 (Government Code Sections 81000 et. seq.) requires 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 contains the terms of a standard conflict of interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code 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 and the attached Appendix designating positions and establishing disclosure requirements shall constitute the Conflict of Interest Code for the San Elijo Joint Powers Authority (the "Agency").

Individuals holding designated positions and non-designated positions identified in Government Code section 87200 shall file their statements of economic interests with the Agency's Clerk of the Board, who will make the statements available for public inspection and reproduction (Gov. Code section 81008). The Agency will retain all such statements for individuals in designated positions. The Agency will retain copies of all such statements for individuals in non-designated positions and will forward the originals to the Clerk of the Board of Supervisors of San Diego County (Gov. Code section 87500(k)).

## APPENDIX A

### Disclosure Categories

Individuals holding designated positions must report their interests according to the following disclosure category(ies) to which their position has been assigned.

#### Category 1: All Sources'

Interests in real property (not including primary residence) located within the Agency Service Area (ASA) or within two miles of the ASA; and investments and business positions in business entities, and income, including loans, gifts, and travel payments from all sources.

#### Category 2: Agency Specific

Interests in real property (not including primary residence) located within the ASA or within two miles of the ASA; investments and business positions in business entities doing business with the ASA and/or located in San Diego County; and income, including but not limited to loans, gifts, and travel payments, from sources in San Diego County, and/or from sources outside the County whose economic position may be affected by decisions or recommendations made by the agency at all levels.

#### Category 3: Department Specific

Interests in real property (not including primary residence) located within the ASA or within two miles of the ASA; investments and business positions in business entities located in San Diego County; and income, including loans, gifts, and travel payments from sources whose economic position may be affected by the decisions or recommendations made by the department to which the filer is assigned duties.

#### Category 4: Property/Facilities Entitlement

Interests in real property (not including primary residence) located within the ASA or within two miles of the ASA; investments and business positions in business entities located in San Diego County; and income, including loans, gifts, and travel payments from sources that are of the type to request an entitlement to use agency property or facilities, including, but not limited to: a license; a facilities use permit; or a vendor permit.

#### Category 5: Consultant Specific

Where the broadest disclosure is not necessary, the agency may set an interim disclosure that is more tailored to consulting positions with a limited range of duties.

As used herein, "Agency Service Area" is defined as the jurisdictional boundaries of the Agency's member agencies and those areas served by the Agency's wastewater and recycled water services.

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: 12/11/2018	Minute Order No. 41
By: <i>[Signature]</i>	Date: 12/11/2018
Deputy Clerk of the Board Supervisors	

The following designated positions, when active, file according to the assigned categories associated with their title.

**Designated Positions**

**Disclosure Categories**

I. San Elijo Joint Powers Authority Staff:

Director of Operations .....	2
General Counsel.....	2
Chief Plant Operator.....	3
Mechanical Systems Supervisor .....	3
SCADA Manager .....	3
Project Manager .....	3

II. Consultants: Consultants shall be included in the list of designated positions and shall disclose in accordance with Category 1, except as otherwise provided, if the consultant, pursuant to a contract does either of the following (Reg.18700.3):

1. Makes a governmental decision whether to:
  - Approve a rate, rule or regulation;
  - Adopt or enforce a law;
  - Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement;
  - Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
  - Grant agency approval to a contract which requires agency approval and in which the agency is a party, or to the specifications for such a contract;
  - Grant agency approval to a plan, design, report study, or similar item;
  - Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision of the agency; or
  
2. Serves in a staff capacity and in that capacity participates in making governmental decisions as defined in Regulation 18704(a) and (b); or performs substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

The General Manager, with the approval of the Agency's General Counsel, may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this paragraph. The 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 written determination is a public record and shall be retained for public inspection in the office of the Agency's Clerk of the Board.

### **Non-Designated Positions**

The following positions are not designated because individuals holding these positions must file statements of economic interests under Government Code Section 87200. These positions are listed for informational purposes only:

- Board Members
- General Manager
- Director of Finance and Administration
- Consultants involved in the investment of public funds\*

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\*Pursuant to 2 California Code of Regulations section 18700.3(b)(1), "other public officials who manage public investments" means, members of boards and commissions, including pension and retirement boards or commissions, or of committees who exercise the responsibility for the management of public investments; high level officers and employees who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers (this category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers); and individuals who pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the high-level officers and employees who exercise primary responsibility for the management of public investments.