

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE
OF THE
VALLECITOS WATER DISTRICT

CONFLICT OF INTEREST CODE OF THE VALLECITOS WATER DISTRICT

(Adopted September 5, 2018- Amended September 2, 2020)

1. Standard Code of FPPC

The Political Reform Act of 1974 (Gov. Code, §§ 81000, et seq.) requires each state and local government agency to adopt and promulgate a conflict of interest codes. ~~The Vallecitos Water District has adopted heretofore such a code which should be revised and updated.~~ The Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs., §Section 18730), that which contains the terms of a standard conflict of interest code that can be incorporated ~~by~~ reference as a district's code. After public notice and hearing, the regulation Section 18730 may be amended by the ~~FPPC- Fair Political Practices Commission~~ to conform to amendments in the Political Reform Act.

2. Adoption of Standard Code of FPPC

~~The terms of Title 2, California Code of Regulations, section 18730, and any future amendments to it duly adopted by the FPPC, are hereby incorporated 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 Vallecitos Water District. This code shall take effect when approved by the San Diego County Board of Supervisors and shall thereupon supersede all prior codes adopted by the Vallecitos Water District.~~

Therefore, the terms of 2 Cal. Code of Regs. 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 Vallecitos Water District (the "District"). This code shall take effect when approved by the

San Diego County Board of Supervisors and shall thereupon supersede all prior codes adopted by the Vallecitos Water District.

3. Filing of Statements of Economic Interests

~~Pursuant to Section 4 of the standard code, designated employees set forth in the appendix shall file statements of economic interests with the executive secretary of the Vallecitos Water District. Upon receipt of the statements of the members of the board of directors and the general manager, the executive 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 Vallecitos Water District.~~

All officials and designated positions required to submit a statement of economic interests shall file their statements with the General Manager as the District's Filing Officer. The Filing Officer shall make and retain a copy of all statements filed by the General Manager and Members of the Board of Directors, and forward the originals of such statements to the Clerk of the Board of Supervisors. The Filing Officer shall retain the original statements of all other officials and designated positions and will make this Code and all retained statements available for public inspection and reproduction during regular business hours (Gov. Code § 81008).

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
VALLECITOS WATER DISTRICT
(Adopted September 5, 2018 - Amended September 2, 2020)
PART "A"
OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

~~District officials~~ Officials who manage public investments as defined by 2 Cal. Code of Regs. §18700.3, are NOT subject to the District's Conflict of Interest Code but ~~are subject to the must file disclosure requirements of the Act statements { under Government Code, §§ section 87200 et seq.; 2 Cal. Code of [Regs., §18730(b)(3)]~~

It has been determined that the positions listed below are officials who manage public investments¹:

Members of the Board of Directors
General Manager
Assistant General Manage
Treasurer/Director of Administrative Services
Financial Consultants

~~Candidates for the Board of Directors are required to report financial interests through the County Registrar of Voters at the time of filing for election.~~

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

**APPENDIX TO THE CONFLICT OF INTEREST CODE OF
THE VALLECITOS WATER DISTRICT**

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Services Manager	<u>1, 2, 5</u>
<u>Asset Management Supervisor</u>	<u>5</u>
<u>Capital Facilities Coordinator</u>	<u>5</u>
<u>Capital Facilities Engineer</u>	<u>2, 3, 5</u>
Capital Facilities Senior Engineer	<u>1, 2, 3, 5</u>
<u>Computerized Maintenance Management System Planner (CMMS Planner)</u>	<u>5</u>
<u>Construction Inspector II</u>	<u>2, 3, 5</u>
<u>Construction Inspection Supervisor</u>	<u>2, 3, 5</u>
<u>Construction Supervisor</u>	<u>2, 3, 5</u>
<u>Development Services Coordinator</u>	<u>2, 3, 5</u>
Development Services Senior Engineer	<u>1, 2, 3, 5</u>
District Engineer	<u>1, 2, 3, 5</u>
Finance Manager	1, 2
General Counsel	1, 2
<u>Human Resource Analyst</u>	<u>5</u>
<u>Information Technology Supervisor</u>	<u>5</u>
<u>Mechanical/Electrical Supervisor</u>	<u>5</u>

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Operations & Maintenance Manager	1,2,4
<u>Public Information Conservation Supervisor</u>	5
<u>Purchasing/Warehouse Assistant</u>	4
<u>Risk Management Supervisor</u>	6
<u>Purchasing/Warehouse Supervisor Senior Purchasing Specialist</u>	1,2,4
<u>System Administrator</u>	5
<u>Wastewater Collection Systems Supervisor</u>	5
<u>Wastewater Treatment Plant Supervisor</u>	5
<u>Water Operations Supervisor</u>	5
<u>Water System Supervisor</u>	5

Consultants and New Positions²

*

~~* Consultants shall disclose all sources of income, interests in real property and investments and business positions in business entities. The General Manager of the District 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 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. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.~~

² Individuals serving as a consultant as defined in FPPC Reg 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The General Manager 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 Sec. 82019; FPPC Regulations 18219 and 18734.). The General Manager'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 Sec. 81008.)

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests 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, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the District.

~~A. — Persons holding positions listed in the Appendix are required to file the initial, annual, and leaving office statements of financial interest required by this code for the types of interests in the categories set forth in the column "Disclosure Categories" opposite the column "Designated Positions." It has been determined that these persons make or participate in making decisions that may foreseeably have a material effect on such financial interests.~~

~~B. — Where the disclosure category requires disclosure of interests in real property, the designated employee need only disclose real property that is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.~~

~~C. — Where the disclosure category requires disclosure of investments or sources of income, the designated employee need only disclose investments in business entities and sources of income that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.~~

~~D. — Where the disclosure category requires disclosure of business positions, the designated employee need only disclose positions of director, officer, partner, trustee, employee, or any positions of management in organizations or enterprises operated for profit.~~

Category: 1: All investments and sources of income. All investments and business positions in business entities, and sources of income located in, that do business in or own real property within the jurisdiction of the District.

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 District.

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

Category 3: All investments and business positions in, ~~business entities~~ and sources of income from, ~~business entities that are which~~ engaged in land development, construction, or the acquisitions or sale of real property, ~~and all interest in real property within the jurisdiction of the District.~~

Category 4: All Investments and business positions in, ~~business entities~~ and sources of income from, ~~which~~ ~~business entities that~~ provide services, supplies, materials, machinery, vehicles or equipment of the type ~~utilized by the agency~~ purchased or leased by the District.

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 District.~~

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, if such entities or sources have filed claims against the agency in the past 2 years, or have a claim pending before the District.

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[All previous provisions have been deleted]