

2010 Local Agency Biennial Notice

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

Name of Agency: DESCANSO COMMUNITY WATER DISTRICT

2010 JUL 28 PM 1 30

Mailing Address: 1019 Cherry Ave., Imperial Beach, CA 91932

THOMAS J. PASTUSZKA
CLERK OF THE BOARD

Contact Person: Felipe Gonzalez; District Secretary

Office Phone No: (619) 435-7506

E-mail: felipe.gonzalez@amwater.com

Fax No: (619) 575-2070

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its conflict-of-interest code and has determined that (*Check one box*):

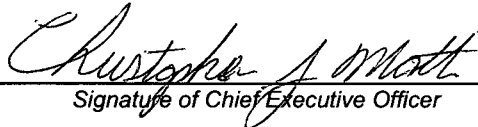
An amendment is required. The following amendments are necessary:
(*Mark all that apply.*)

- Include new positions (including consultants) that must be designated.
- Delete positions that manage public investments from the list of designated positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished.
- Other (*describe*) Adopt FPPC standard provisions; delete position that shouldn't be designated

No amendment is required.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

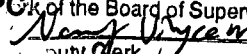
7-23-10

Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2010**, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY ~~HERE~~)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC

and/or authorized by the Board
of Supervisors of the County of San Diego
Date 10/15/10 Minute Order No. 4
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

Deputy Clerk

2010 SEP 24 PM 2 10

RESOLUTION NO. 01-2010

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DESCANSO COMMUNITY WATER DISTRICT ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974
THEAS J. PASTUSZKA
MEMBER OF THE BOARD
OF SUPERVISORS

WHEREAS, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Descanso Community Water District (the "District") and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended on December 11, 1996, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Appendix of the District's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Appendix was provided each affected designated employee and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on September 21, 2010, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE DESCANSO COMMUNITY WATER DISTRICT AS FOLLOWS:

SECTION 1. Approval of Amended Conflict of Interest Code. The proposed amended Conflict of Interest Code is hereby adopted, a copy of which is attached hereto and shall be on file with the District Secretary and available to the public for inspection and copying during regular business hours;

SECTION 2. Approval and Effective Date. The said amended Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San

Diego for approval and the said Code shall become effective 30 days after the date the Board of Supervisors approves the proposed amended Code as submitted.

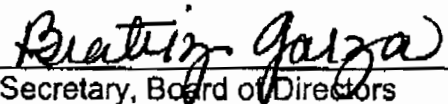
SECTION 3. Repeal of Previous Amendments. All previous conflict of interest codes of the Descanso Community Water District shall be repealed upon the effective date of said amended Code as approved by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Directors of the Descanso Community Water District at its regular meeting held this 21st day of September, 2010.



President, Board of Directors
Descanso Community Water District

ATTEST:



Secretary, Board of Directors
Descanso Community Water District

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)
CONFLICT OF INTEREST CODE FOR THE
DESCANSO COMMUNITY WATER DISTRICT
(Amended September 21, 2010)

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) which 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 it 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 officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Descanso Community Water District (the "District").

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

CONFLICT OF INTEREST CODE OF THE DESCANSO COMMUNITY WATER DISTRICT

(Amended ~~December 11, 1996~~ September 21, 2010)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

All District Officials who manage public investments, ~~are included in and governed by this Conflict of Interest Code only with respect to its disqualification provisions. For purposes of disclosure, all District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code but are subject to the disclosure requirements of the Act, statutory conflict of interest provisions of Article 2 of Chapter 7 of the Political Reform Act of 1974 (Government Gov. Code Section § 87200 et seq.). [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

Auditor

Financial Consultants 3/

¹ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Civil Engineer	2, 3, 5
General Counsel	1, 2
Consultant ²	

² Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are 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. 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.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions ~~in~~, and sources of income, including gifts, loans and travel payments, ~~from, business entities that do business or own real property within the jurisdiction of the District, plan to do business or own real property within the jurisdiction of the District within the next year, or have done business or owned real property within the jurisdiction of the District within the past two (2) years.~~

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.

Category 3: All investments and business positions ~~in~~, and sources of income, including gifts, loans and travel payments, ~~from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two (2) years.~~

Category 4: ~~All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.~~

Category 54: All investments and business positions ~~in~~, and sources of income, including gifts, loans and travel payments, ~~from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.~~

Category 65: All investments and business positions ~~in~~, and sources of income, including gifts, loans and travel payments, ~~from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department~~department, unit or division.

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Category 1: All investments and business positions, and sources of income, including gifts, loans and travel payments, that do business 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.

Category 3: All investments and business positions, 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 District.

Category 4: All investments and business positions, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's department, unit or division.