

2010 CONFLICT OF INTEREST CODE  
BIENNIAL REVIEW REPLY FORM

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS

2010 AUG 18 PM 3 07

Contact Person: Rita Schoonderwoerd Telephone Number: 619-469-6704

Name of Agency: Sweetwater Authority  
THOMAS J. PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

Mailing Address: 505 Garrett Avenue, Chula Vista, CA 91910

This agency has reviewed its conflict of interest code and has determined that:

**Amendments are necessary:** (Attach Amended Code)  
(Check all that applies)

- Include new positions (including consultants) which must be designated
- Revise the titles of existing positions
- Delete titles of positions that have been abolished
- Delete positions that manage public investments
- Revise disclosure categories
- Other Adopt FPPC Standard provisions

**No amendments are necessary.** Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer: [Signature] Date: 8-17-10

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than August 31, 2010 to:**

Clerk of the Board of Supervisors  
(Conflict of Interest Code)  
1600 Pacific Highway, Room 402  
San Diego, CA 92101

Approved and/or authorized by the Board  
of Supervisors of the County of San Diego  
Date: 10/16/10 Minute Order No. 9  
THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors  
[Signature]  
Deputy Clerk

COUNTY OF SAN DIEGO  
**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW  
3750 University Avenue  
Post Office Box 1028  
Riverside, California 92502-1028  
(951) 686-1450  
(951) 686-3083 Fax  
BBKLaw.com

2010 SEP 15 AM 9 36  
PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

INDIAN WELLS  
(760) 568-2611

IRVINE  
(949) 263-2600

LOS ANGELES  
(213) 617-8100

ONTARIO  
(909) 989-8584

SACRAMENTO  
(916) 325-4000

SAN DIEGO  
(619) 525-1300

WALNUT CREEK  
(925) 977-3300

**Dianna Marie Valdez**

Conflicts of Interests & Ethics Coordinator  
(951) 826-8252  
DiannaMarie.Valdez@BBKLAW.COM

September 13, 2010

Teresa Zurita, Deputy  
Clerk of the Board of Supervisors  
County of San Diego  
1600 Pacific Highway, Room 402  
San Diego, CA 92101-2471

Re: Sweetwater Authority – Amendment of Conflict of  
Interest Code and Request for Notice

Dear Teresa:

Enclosed for review and approval by the Board of Supervisors is the amended Conflict of Interest Code of the Sweetwater Authority. The Code was amended by the Authority's Board of Directors on September 8, 2010, by Resolution No. 10-15, a copy of which is also enclosed. As you can see by the enclosed legislative version of the Appendix, this amendment was done to include new positions that must be designated, delete titles of positions that have been abolished, revise titles of existing positions, revise disclosure categories and adopt FPPC standard provisions (2 Cal. Code of Regs. §18730).

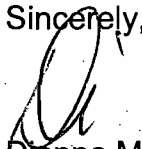
Please notify me when this matter will be submitted to the Board for approval. I would also appreciate a copy of the Resolution or Minute Order approving the Authority's amended Code.

**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

Teresa Zurita, Deputy  
Clerk of the Board of Supervisors  
County of San Diego  
September 13, 2010  
Page 2

Please feel free to call or email me if you or County Counsel have any questions regarding the enclosed or this matter.

Sincerely,



Dianna Marie Valdez  
Conflicts of Interests & Ethics Coordinator  
for BEST BEST & KRIEGER LLP  
General Counsel  
Sweetwater Authority

:dmv  
Encls:

**CONFLICT OF INTEREST CODE FOR THE**  
**SWEETWATER AUTHORITY**  
**(Amended September 8, 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 Sweetwater Authority (the "Authority").

All officials and designated employees required to submit a statement of economic interests shall file their statements with the Board Secretary as the Authority'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.)

**APPENDIX**  
**CONFLICT OF INTEREST CODE**  
**OF THE**  
**SWEETWATER AUTHORITY**  
**(Amended September 8, 2010)**

**EXHIBIT "A"**

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

Authority Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the Authority's Code but are subject to the disclosure requirements of the Act. (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 investments<sup>1</sup>:

Members of the Board of Directors

General Manager

Treasurer

Director of Finance

Financial Consultants

---

<sup>1</sup> 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>
Accounting Manager	5
Administrative Assistant	4
Administrative Services Director	4
Assistant General Manager	2, 3, 4
Board Secretary	4
Business Systems Programmer	5
Chief Water Plant Operator	5
Communications Coordinator	5
Customer Service Manager	5
Customer Service Supervisor	5
Director of Distribution	5
Director of Engineering	3, 5
Director of Water Quality	3, 5
Distribution Manager (ALL)	5
Engineer	3, 5
Engineering Manager (ALL)	3, 5
General Counsel	1, 2
Human Resources Coordinator	5

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Information Systems Director	5
Information Systems Supervisor	5
Junior Buyer	4
Laboratory Supervisor	5
Principal Engineer	2, 3, 5
Principal Engineering Technician	2, 3, 5
Principal Engineering/Design Technician	2, 3, 5
Program Supervisor	5
Safety Coordinator	5
Senior Planner	1, 2
Systems Analyst	5
Systems Operator/Maintenance Superintendent	5
Water Conservation Coordinator	5
Water Treatment Plant Operations Supervisor	5
Water Treatment Superintendent/Principal Engineer	5
Watershed Coordinator	2, 5
Watershed Manager	2, 5

DESIGNATED EMPLOYEES'  
TITLE OR FUNCTION

DISCLOSURE CATEGORIES  
ASSIGNED

Consultant<sup>2</sup>

<sup>2</sup>

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 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 Authority.

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 Authority.

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 Authority.

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 Authority.

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.

**RESOLUTION 10-15**

**RESOLUTION OF THE GOVERNING BOARD OF THE  
SWEETWATER AUTHORITY  
AMENDING THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL  
REFORM ACT OF 1974**

**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 Sweetwater Authority (the "Authority") and requires all public agencies to adopt and promulgate a conflict of interest code; and

**WHEREAS**, the Governing Board adopted a Conflict of Interest Code (the "Code") which was amended on October 8, 2008, in compliance with the Act; and

**WHEREAS**, subsequent changed circumstances within the Authority have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Authority'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 Authority 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 Governing Board of, the proposed amended Code was provided each affected designated employee and publicly posted for review at the offices of the Authority; and

**WHEREAS**, a public meeting was held upon the proposed amended Code at a regular meeting of the Governing Board on September 8, 2010, at which all present were given an opportunity to be heard on the proposed amended Code.

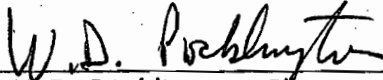
**NOW, THEREFORE BE IT RESOLVED** by the Governing Board of the Sweetwater Authority that the Governing Board does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Board Secretary and available to the public for inspection and copying;

**BE IT FURTHER RESOLVED** that the said amended Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective 30 days after the Board of Supervisors of the County of San Diego approves the proposed amended Appendix as submitted.

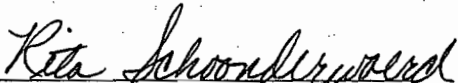
**RESOLUTION 10-15**

**PASSED AND ADOPTED** this 8th day of September, 2010, by the following vote:

AYES: Directors Morrison, Muehleisen, Pocklington, Preciado, Rubalcaba,  
Thomas, and Welsh  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
\_\_\_\_\_  
W. D. Pocklington, Chair

ATTEST:

  
\_\_\_\_\_  
Rita Schoonderwoerd, Board Secretary

**RESOLUTION 10-15**

STATE OF CALIFORNIA )

) ss.

COUNTY OF SAN DIEGO )

*I, Rita Schoonderwoerd, Board Secretary of Sweetwater Authority, do hereby certify that this is a true and correct copy of Resolution 10-15 duly adopted by the Governing Board of Sweetwater Authority at a regular Board meeting held on the 8th day of September, 2010.*



Rita Schoonderwoerd

Secretary to the Governing Board

**CONFLICT OF INTEREST CODE FOR THE**  
**SWEETWATER AUTHORITY**  
**(Amended September 8, 2010)**

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**APPENDIX**  
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**SWEETWATER AUTHORITY**

(Amended September 8, 2010)

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General Manager

Treasurer

Director of Finance

Financial Consultants

<sup>1</sup> 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>
Accounting Manager	5
Administrative Assistant	4
Administrative Services Director	4
Assistant General Manager	2, 3, 4
Board Secretary	4
Business Systems Programmer	5
Chief Water Plant Operator	5
Communications Coordinator	5
Customer Service Manager	5
Customer Service Supervisor	5
Director of Distribution	5
Director of Engineering	3, 5
Director of Water Quality	3, 5
Distribution Manager (ALL)	5
Engineer	3, 5
Engineering Manager (ALL)	3, 5
General Counsel	1, 2
Human Resources Coordinator	5

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Information Systems Director	5
Information Systems Supervisor	5
Junior Buyer	4
Laboratory Supervisor	5
Principal Engineer	2, 3, 5
Principal Engineering Technician	2, 3, 5
Principal Engineering/Design Technician	2, 3, 5
Program Supervisor	5
Safety Coordinator	5
Senior Planner	1, 2
Systems Analyst	5
Systems Operator/Maintenance Superintendent	5
Water Conservation Coordinator	5
Water Treatment Plant Operations Supervisor	5
Water Treatment Superintendent/Principal Engineer	5
Watershed Coordinator	2, 5
Watershed Manager	2, 5

DESIGNATED EMPLOYEES'  
TITLE OR FUNCTION

DISCLOSURE CATEGORIES  
ASSIGNED

Consultant<sup>2</sup>

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<sup>2</sup> 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.

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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 Authority.

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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.

**LEGISLATIVE VERSION**  
**(SHOWS CHANGES MADE)**

**CONFLICT OF INTEREST CODE FOR THE**  
**SWEETWATER AUTHORITY**  
**(Amended September 8, 2010)**

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**APPENDIX**

**CONFLICT OF INTEREST CODE**

**OF THE**

**SWEETWATER AUTHORITY**

(Amended ~~October 8, 2008~~ September 8, 2010)

**EXHIBIT "A"**

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

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Director of Finance

Financial Consultants

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**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>
Accounting Manager	<u>65</u>
Administrative Assistant	<u>54</u>
Administrative Services Director	<u>54</u>
<del>Biologist</del> <u>Watershed Manager</u>	<u>62,5</u>
Board Secretary	<u>54</u>
Business Systems Programmer	<u>65</u>
Chief Water Plant Operator	<u>65</u>
Communications Coordinator	<u>65</u>
Customer Service Manager	<u>65</u>
Customer Service Supervisor <del>(ALL)</del>	<u>65</u>
Director of Distribution	<u>65</u>
Director of Engineering	3, <u>65</u>
<del>Director of Environmental and Governmental Services</del>	<del>1, 2</del>
Director of Water Quality	3, <u>65</u>
Engineer	3, <u>65</u>
Engineering Manager (ALL)	3, <u>65</u>
General Counsel	1, 2
Human Resources Coordinator	<u>65</u>

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Information Systems Director	<u>65</u>
Information Systems Supervisor	<u>65</u>
Junior Buyer	<u>54</u>
Laboratory Supervisor	<u>65</u>
<del>Operations Manager</del> <u>Assistant General Manager (as of 10/1/10)</u>	2, 3, <u>54</u>
<del>Plant Maintenance Superintendent</del>	<u>6</u>
Principal Engineer	2, 3, <u>65</u>
Principal Engineering Technician	2, 3, <u>65</u>
Principal Engineering/Design Technician	2, 3, <u>65</u>
Program Supervisor	<u>65</u>
Safety Coordinator	<u>65</u>
<del>Security Specialist</del> <u>Water Conservation Coordinator</u>	<u>65</u>
Senior Planner	1, 2
<del>Superintendent of Construction</del> <u>Distribution Manager (ALL)</u>	<u>65</u>
Superintendent of Maintenance	<u>65</u>
Systems Analyst	<u>65</u>
<u>Systems Operator/Maintenance Superintendent</u>	<u>5</u>
Water Treatment Plant Operations Supervisor	<u>65</u>
Water Treatment Superintendent/Principal Engineer	<u>65</u>
<u>Watershed Coordinator</u>	<u>2, 5</u>

DESIGNATED EMPLOYEES'  
TITLE OR FUNCTION

DISCLOSURE CATEGORIES  
ASSIGNED

Consultant<sup>2</sup>

---

<sup>2</sup> 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.

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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 Authority.

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 Authority.

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 Authority.

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 Authority.

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 ~~D~~department, unit or division.