

2010 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM

2010 JUL 30 PM 1 51

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

Contact Person: ROBERT NELTON Telephone Number: (760) 268-8840

Name of Agency: ENCINA WASTEWATER AUTHORITY


Mailing Address: 6200 AVENIDA ENCINAS, CARLSBAD, CA 92011

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

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


- 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 DELETED ARCHITECTURAL CONSULTANTS

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:  Date: 8/26/2010

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 8/26/10 Minute Order No. 1
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

Deputy Clerk

CURRENT EWA CONFLICT OF INTEREST CODE

WITH

REVISED APPENDIX (CLEAN COPY)

**CONFLICT OF INTEREST CODE OF
ENCINA WASTEWATER AUTHORITY**

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

**APPENDIX TO
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, 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 PUBLIC OFFICIAL'S FUNCTION OR TITLE	COLUMN II 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
General Counsel	5. Soils testing, analysis, and compaction

COLUMN I
PUBLIC OFFICIAL'S FUNCTION OR
TITLE

Director of Environmental Compliance
Director of General Services
Director of Operations

Laboratory Manager
Program Analyst
Member Agency Managers
Inspectors
Safety and Training Manager
Management Assistant
Human Resources Manager
Chief Plant Operator
Source Control Manager
Maintenance Manager
Resource Recovery Manager
Systems Manager
Financial Services Manager

COLUMN II
TYPE OF BUSINESS ENTITY, BUSINESS
POSITION, INVESTMENT, SOURCE OF
INCOME, OR REAL PROPERTY
DISCLOSABLE

6. Pipes, valves, pumps, motors, meters or other sewer system materials, parts or equipment
7. Sewer system chemicals and supplies
8. Office equipment and supplies
9. Computer hardware, software, and computer services
10. Sewer testing equipment, supplies and service
11. Motor vehicles, construction equipment, parts and service
12. Equipment rental
13. Petroleum products
14. Safety equipment and supplies
15. Newspapers, printing and reproduction services
16. Banks and savings and loans
17. Title insurance and escrow
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 PUBLIC OFFICIAL’S FUNCTION OR TITLE	COLUMN II TYPE OF BUSINESS ENTITY, BUSINESS POSITION, INVESTMENT, SOURCE OF INCOME, OR REAL PROPERTY DISCLOSABLE
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
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.

REVISED APPENDIX (REDLINE VERSION)

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Treasurer	3. Construction and building materials
Assistant General Manager	4. Engineering, surveying, architectural, and appraising
General Counsel	5. Soils testing, analysis, and compaction

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POSITION, INVESTMENT, SOURCE OF
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DISCLOSABLE**

Director of Environmental Compliance

Director of General Services

Director of Operations

Laboratory Manager

Program Analyst ~~Purchasing Specialist~~

Member Agency Managers

~~Industrial Waste Control~~ Inspectors

Safety and Training Manager

Management Assistant

Human Resources Manager

Chief Plant Operator ~~Assistant~~

~~Superintendents~~

Source Control Manager ~~Enforcement~~

~~Compliance Officer~~

Maintenance Manager

Resource Recovery Manager

Systems Manager

Financial Services Manager

~~Engineering Services Manager~~

6. Pipes, valves, pumps, motors, meters or other sewer system materials, parts or equipment

7. Sewer system chemicals and supplies

8. Office equipment and supplies

9. Computer hardware, software, and computer services

10. Sewer testing equipment, supplies and service

11. Motor vehicles, construction equipment, parts and service

12. Equipment rental

13. Petroleum products

14. Safety equipment and supplies

15. Newspapers, printing and reproduction services

16. Banks and savings and loans

17. Title insurance and escrow

18. Financial audit services

19. Insurance, including brokers and agencies

20. Employment and manpower agencies

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Architectural Consultants	1, 2, 3, 4, 5, 6, 7, 9, 10, 21
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