

2008 CONFLICT OF INTEREST CODE COUNTY OF SAN DIEGO
BIENNIAL REVIEW REPLY FORM BOARD OF SUPERVISORS

Contact Person: Dawn Washburn Telephone Number: (607) 728-1178 ext. 159

Name of Agency: Rainbow Municipal Water District

Mailing Address 3707 Old Highway 395, Fallbrook, CA 92028

2008 JUL 18 PM 2:02
THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

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 Revise first page

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: 7/10/08

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than August 31, 2008 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 7/28/08 Minute Order No. 19
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By [Signature]
Deputy Clerk

Zurita, Teresa

From: Dawn Washburn [DWashburn@rainbowmwd.com]
Sent: Monday, September 15, 2008 11:09 AM
To: Zurita, Teresa
Subject: Rainbow Municipal Water District Conflict of Interest Code
Importance: High
Attachments: Tentatively Approved Conflict of Interest 1 02 020.doc

COUNTY OF SAN DIEGO
 BOARD OF SUPERVISORS
 2008 SEP 15 AM 11 50
 THOMAS J. PASTUSZKA
 CLERK OF THE BOARD
 OF SUPERVISORS

Teresa:

After speaking with you today, I spoke with our General Manager regarding what steps we should take to meet the September 19, 2008 County of San Diego Clerk of the Board of Supervisors conflict of interest deadline. It was decided that I should send you a copy of the tentatively approved RMWD Conflict of Interest Code that was approved by our Board of Directors on August 26, 2008, by Resolution 08-10. As we discussed, our public comment period is currently open until October 12, 2008. Should we receive any comments during the public comment period, we will submit those revisions to you after our Board's final approval on October 28, 2008.

Please allow the attached tentatively approved revision of the RMWD Conflict of Interest code the County's deadline.

Feel free to contact me with any questions.

Thank you,

Dawn Washburn

Executive Assistant
 Rainbow Municipal Water District
 3707 Old Highway 395
 Fallbrook, CA 92028
 (760) 728-1178 Ext. 129

9/15/2008

**Section 1.02.020
Conflict of Interest**

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2008 SEP 15 AM 11 50

1.02.020.01 The Political Reform Act (Government Code Section 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 Regs. Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in any 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.

1.02.020.02 Therefore, the terms of 2 California Code of Regulations Section **18730** (attached) 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 of the Rainbow Municipal Water District.

1.02.020.03

Individuals holding designated positions shall file their Statements of Economic Interest with Rainbow Municipal Water District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.)

Upon receipt of the statements for the Board Members and Executive Director, the original of these statements shall be forwarded to the County Board of Supervisors. Copies of all other designated employees will be maintained at the District office.

Appendix A

Rainbow Municipal Water District Conflict of Interest Code

Preamble

Any person designated in Section I 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 Rainbow Municipal Water District's General Counsel. (Gov. Code § 83114; 2 CCR § 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).)

Opinions rendered by General Counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on General Counsel's opinion as evidence of good faith. In addition, Rainbow Municipal Water District may consider whether such reliance should constitute a mitigating factor to any disciplinary action that Rainbow Municipal Water District may bring against the requesting party under Government Code section 91003.5.

Part I - Designated Positions

<u>Designated Employees</u>	<u>Categories Disclosed</u>
Members of the Board of Directors	All
General Manager	All
General Counsel	All
Financial Manager	2
District Engineer	2
Operations & Maintenance Manager	2
Standing District Committee Members	2
¹ Consultants	2

¹ With respect to consultants, the General Manager may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the written disclosure requirements described in these categories. 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 by Rainbow Municipal Water District in the same manner as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Part II - Disclosure Categories

Category 1.

A designated employee or person in this category shall report all interests in real property, and investments in, and income from, business entities of the type to operate or provide any of the following:

- Accounting or auditing services
- Banks and savings and loans
- Computer hardware or software, or computer services or consultants
- Communications equipment or services
- Insurance brokers and agencies
- Insurance adjusting, claims auditing or administration, or underwriting services
- Office equipment or supplies
- Personnel and employment companies and services
- Printing or reproduction services, publications, and distribution
- Securities, investment or financial services companies
- Title insurance and escrow
- Construction supplies, service or equipment
- Engineering and surveying services
- Land development services

Category 2.

A designated employee in this category shall disclose all business positions in, investments in, and income from any business of the type to provide personnel, services, supplies, material, machinery, or equipment to Rainbow Municipal Water District and is associated with the job assignment or position of the designated employee or person.

Appendix B
Statement of Duties of Employees of
and Consultants to Rainbow Municipal Water District

Members of the Board of Directors

The Board of Directors acts as the Rainbow Municipal Water District's governing body. Members of the Board of Directors formulate general policy and programs of Rainbow Municipal Water District, and each member of the Board of Directors therefore is designated.

General Manager

General Manager oversees the day-to-day operations of Rainbow Municipal Water District. He or she participates in the formulation and implementation of the policies and programs of Rainbow Municipal Water District and therefore is designated.

General Counsel

General Counsel, currently hired on a contract basis, advises Rainbow Municipal Water District on its day-to-day activities, including its relationships with the independent contractors who serve in a staff capacity to Rainbow Municipal Water District, and compliance with applicable laws and regulations. He or she participates in the formulation and implementation of the policies and programs of Rainbow Municipal Water District and therefore is designated.

Financial Manager

An employee of the Rainbow Municipal Water District, the Financial Manager is Rainbow Municipal Water District's Chief Financial Officer and helps manage the finances of Rainbow Municipal Water District. The Financial Manager makes reports from time to time on the financial results of operations of Rainbow Municipal Water District, and recommends fiscal policies to the Board of Directors. The Financial Manager "manages public investments" within the meaning of applicable regulations. He or she therefore is designated.

District Engineer

The District Engineer provides engineering services and oversight to Rainbow Municipal Water District, including implementation of capital replacement projects. He or she participates in the formulation of Rainbow Municipal Water District's general policies and programs in the area of engineering and is therefore designated.

Operations & Maintenance Manager

An employee of Rainbow Municipal Water District, the Operations and Maintenance Manager oversees the operation and maintenance of the water lines and structures. He or she participates in the formulation of Rainbow Municipal Water District's general policies and programs in the area of operations and maintenance and is therefore designated.

Auditor

Rainbow Municipal Water District has contracted with one or more accounting firms to handle financial audits of Rainbow Municipal Water District's finances and investments. These firms implement decisions of the Rainbow Municipal Water District's Board of Directors. Because these auditors' duties are restricted in the manner described herein, they do not participate in the formulation and implementation of the policies and programs of Rainbow Municipal Water District, and also do not "manage public investments" within the meaning of applicable regulations. Therefore, designation is not required.

Standing District Committee Members

A member or alternate committee member of a Rainbow Municipal Water District standing committee serves at the pleasure of the Board. These committees are advisory to the Board with regard to matters within their respective areas of responsibility. A committee has jurisdiction to consider and make a recommendation to other committees and to the Board regarding any item of business within the responsibility of the committee. Committee recommendations shall be communicated to the Board. A committee may consider other matters referred to it by the Board.