

**2010 CONFLICT OF INTEREST CODE  
BIENNIAL REVIEW REPLY FORM**

Contact Person: Claudia Bingham Telephone Number: 760-633-2602

Name of Agency: San Dieguito Water District

Mailing Address 505 South Vulcan Ave, Encinitas, CA 92024

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 \_\_\_\_\_

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
2010 AUG 27 PM 1 36  
THOMAS J. PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

**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: 8/25/10

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: 8/25/10 Minute Order No. 9  
THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors  
*[Signature]*  
Deputy Clerk

**SDWD RESOLUTION 2010-06**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO WATER DISTRICT, AMENDING ARTICLE 13 REGARDING CONFLICT OF INTEREST FILERS**

**WHEREAS**, Government Code Section 87306.5 requires every local government agency to review its Conflict of Interest Code biennially, and

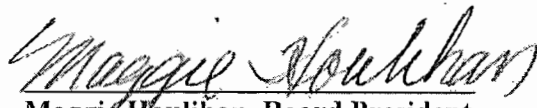
**WHEREAS**, Article 13 Conflict of Interest Code is amended to read as follows:

13.7 Department Positions: The following are the designated positions within District departments together with the required disclosure category:

<u>Position</u>	<u>Category</u>
1. Members of the Board of Directors	1,2,3
2. Candidates for Board of Directors	1,2,3
3. City Manager/Secretary	1,2,3
<del>4. District Treasurer</del>	<del>1,2,3</del> (delete)
5. Agency Attorney	1,2,3
6. Agency Assistant Attorney	1,2,3
7. Director of Public Works/General Manager	1,2,3
8. Assistant Superintendent	1,2,3
9. Assistant General Manager	1,2,3
10. Senior Engineer	1,2,3
11. Engineer	1,2,3
12. Utility & Maintenance Supervisor	1,2,3
13. Senior Program Assistant	1,2,3
14. Finance Supervisor Management Analyst	1,2,3
<del>15. Administrative Support Coordinator</del>	<del>1,2,3</del> (delete)

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of the San Dieguito Water District held on the 22<sup>nd</sup> day of September, 2010, by the following vote, to wit:

**AYES:** Barth, Bond, Dalager, Houlihan, Stocks.  
**NAYS:** None.  
**ABSTAIN:** None.  
**ABSENT:** None.

  
Maggie Houlihan, Board President

**ATTEST:**

  
Deborah Cervone, Board Clerk

Article 13

SAN DIEGUITO WATER DISTRICT  
CONFLICT OF INTEREST CODE

Section 13.1 Purpose.

A. The Political Reform Act of 1974 (Government Code sections 81000 et seq., "Act" herein), requires the San Dieguito Water District to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of the Standard Conflict of Interest Code and amendments thereto by the Fair Political Practices Commission in accordance with the Act.

B. This Article shall be known as the "Conflict of Interest Code" of the San Dieguito Water District.

C. Nothing in this Article is intended to modify or abridge the provisions of the Act commencing with Government Code Section 87100, which is applicable to all public officials of the District and directs that no public official of the District shall make, participate in the making or in any way attempt to use their official position to influence a District decision in which the official knows, or has reason to know, that he or she has a financial interest as defined by the Act.

D. This Article intends to designate those public officials of the District who are involved in District decisions, and to require designated officials to disclose those financial interests (using Form 730) which could foreseeably be affected; in a material manner, by a District decision made by the official in the performance of the official's responsibilities.

Section 13.2 Amendment and Review

A. Amendment

1. Changed Circumstances. Changed circumstances includes, but not limited to, the following: the creation of new positions which must be designated pursuant to this Article and relevant changes in the duties assigned to existing positions. (GC § 87306, subd. (a).)

2. Amendment Due To Changed Circumstances. Within ninety days after the changed circumstances necessitating the amendment to this Article become apparent, the District Clerk shall submit a proposed amendment to the Board of Directors. (Gov. Code § 87306, subd. (a).)

3. Manner of Amendment. This Article shall be amended by the Board of Directors after a noticed public hearing is held prior to introduction of the proposed amendment. (Gov. Code § 87311.)

B. Biennial Review.

1. No later than July 1 of each even-numbered year, the District Clerk shall review this Article. (Gov. Code § 87306.5, subd. (a).)

2. If a change in this Article is necessitated by changed circumstances, it shall be amended pursuant to subsection A of this section. (Gov. Code § 87306.5, subd. (b).)

3. If no change in this Article is required, the District Clerk shall submit a written statement to that effect to the Board of Directors no later than October 1 of the same year. (Gov. Code § 87306.5, subd. (b).)

Section 13.3 Definitions Incorporated. Unless otherwise indicated, the definitions of the Act, regulations and amendments thereto and binding judicial opinions thereon are incorporated herein, and this Chapter shall be interpreted in a manner consistent with such definitions.

Section 13.4 Standard Code.

A. By this reference, 2 California Code of Regulations Section 18730, the Standard Conflict of Interest Code, is incorporated herein together with each and every amendment thereto duly adopted by the Fair Political Practices Commission.

B. The filing officer shall maintain three copies of the Standard Conflict of Interest Code for the public review.

Section 13.5 Filing Officer. The District Secretary is the filing officer of the District.

Section 13.6 Disclosure Categories.

A. Category 1 - Business Position/Investment Interests. Disclose each District-related, business entity in which the employee/member holds a position or has a direct or indirect business investment worth more than \$1,000.

B. Category 2 - Real Property Interests. Disclose each interest in real property located within the jurisdiction of the District in which the employee/member has a direct or indirect interest worth more than \$1,000.

C. Category 3 - Income Interests. Disclose all income of the employee/member from any District-related source aggregating \$250.00 or more (or \$25.00 or more in the case of gifts) during the reporting period.

D. Category 4 - Less Inclusive Reportable Interests. Disclose all investment and management interests in business entities (as described in Categories 1 and 3) contracting with or selling to the District or which foreseeably could so contract or sell; and all income from a source (as described in Category 2) which sells or contracts with the District or which foreseeably could so sell or contract.

Section 13.7 Department Positions. The following are the designated positions within District departments together with the required disclosure category:

<u>Position</u>	<u>Category</u>
Members of the Board of Directors	1, 2, 3
Candidates for Board of Directors	1, 2, 3
City Manager/Secretary	1, 2, 3
Agency Attorney	1, 2, 3
Agency Assistant Attorney	1, 2, 3
Director of Public Works/General Manager	1, 2, 3
Assistant Superintendent	1, 2, 3
Assistant General Manager	1, 2, 3
Senior Engineer	1, 2, 3

Engineer	1, 2, 3
Utility & Maintenance Supervisor	1, 2, 3
Program Assistant	1, 2, 3
Management Analyst	1, 2, 3

Section 13.8 Consultants.

A. "Consultant" shall include any natural person who, pursuant to a contract with a local government agency, make final government decisions or perform substantially all the same duties for an agency that would otherwise be performed by an individual holding a position specified in the agency's conflict of interest code. However, that "consultant" shall not include a person who:

1. Conducts research and arrives at conclusions with respect to his or her rendition of information, advice, recommendation, or counsel independent of the control and direction of the agency or counsel independent of the control and direction of the agency or of any agency official, other than normal contract monitoring; and
2. Possesses no authority with respect to any Agency decision beyond the rendition of information, advice, recommendation, or counsel.

B. Disclosure Category.

<u>Position</u>	<u>Category</u>
Consultant	1, 2, 3

C. Limitation to the Disclosure Category. The District Manager may determine that a particular consultant, although in 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 determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure required. The determination shall be included in the contract by which the consultant is hired by the Agency. The District 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.