

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

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2010 SEP 23 PM 3
THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

Contact Person: Josiane Ross Telephone Number: 619-667-6271

Name of Agency: Water Conservation Garden

Mailing Address c/o Helix Water District, 7811 University Avenue, La Mesa, CA 91942

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

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: 9/17/10

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 10/1/10 Minute Order No. 9
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
[Signature]
Deputy Clerk

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

WATER CONSERVATION GARDEN AUTHORITY

(Adopted September 8, 2010)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

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. (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 investments¹:

Members of the Board of Directors and Alternates

Executive Director

Treasurer

Financial Consultants

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>
Development Director	1
Education Director	5
Events & Marketing Specialist	1
General Counsel	1, 2
Horticulture & Facilities Manager	5

MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS

Facilities Task Force	5
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Consultant²

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 Executive Director 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 Executive Director'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 NO. 141

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WATER CONSERVATION GARDEN AUTHORITY
ADOPTING AN AMENDED APPENDIX TO 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 the Water Conservation Garden Authority (the "Authority") 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 September 10, 2008, in compliance with Government Code Section 81000, et seq.; 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 Appendix to 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 Board of Directors of, the proposed Conflict of Interest Code was provided each designated employee and publicly posted for review at the offices of the Authority; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Water Conservation Garden Authority that the Board of Directors does hereby adopt the proposed amended Appendix to the Authority's Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Clerk of the Board together with a complete copy of the Conflict of Interest Code and which shall remain available for inspection and copying to the public;

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

APPROVED AND ADOPTED this 8th day of September, 2010.


Chairman, Board of Directors
Water Conservation Garden Authority

ATTEST:

Clerk of the Board
Water Conservation Garden Authority

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

WATER CONSERVATION GARDEN AUTHORITY

(Adopted September 8, 2010)

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DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

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Development Director	1
Education Director	5
Events & Marketing Specialist	1
General Counsel	1, 2
Horticulture & Facilities Manager	5

MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS

Facilities Task Force 5

Consultant²

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 Executive Director 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 Executive Director'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"

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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.

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

WATER CONSERVATION GARDEN AUTHORITY

(Adopted ~~September 10, 2008~~ September 8, 2010)

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Education Director	<u>65</u>
<u>Events & Marketing Specialist</u>	<u>1</u>
General Counsel	1, 2
Horticulture & Facilities Manager	<u>65</u>

MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS

Facilities Task Force 65

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Category 1: All investments and business positions ~~in~~, and sources of income, including gifts, loans and travel payments, from, business entities that are located in, do business in, or own real property within the jurisdiction of the Authority, plan to do business or own real property within the jurisdiction of the Authority within the next year, or have done business or owned real property within the jurisdiction of the Authority 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 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, plan to engage in such activities within the jurisdiction of the Authority within the next year, or have engaged in such activities within the jurisdiction of the Authority 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 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 Department, unit or division.

ATTACHMENT C

The following agency indicated that in the review of their Codes, they determined that amendments were necessary and they are engaged in the process of effecting those changes:

- 1 San Diego Unified School District

ATTACHMENT D

The following agencies did not respond to the Biennial Review Reply Form

- 1** Borrego Springs Unified School District
- 2** Lower Sweetwater Fire Protection
- 3** Pine Valley Fire Protection District
- 4** Rancho Santa Fe School District
- 5** San Diego Community College District
- 6** San Diego County Special Education Improvement Authority
- 7** Upper San Luis Rey Resource Conservation