

Article 11

ARTICLE 11
CONFLICT OF INTEREST CODE

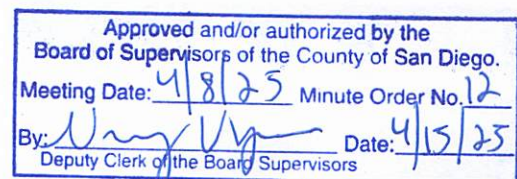
Section 11.1. Purpose.

- (a) The Political Reform Act of 1974 (Government Code Section 81000 et seq.) (the "Act") requires the District to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation, the 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 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 700) 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.
- (Res. No. 2020-02, adopted 5/20/20)

Section 11.2. Amendment and Review.

- (a) The Conflict of Interest Code will be amended in the event of changed circumstances. Changed circumstances include, but are not limited to, the following: the creation of new positions which must be designated pursuant to this Article and relevant changes to the duties assigned to existing positions. Within 90 days after the changed circumstances necessitating the amendment to this Article become apparent, the City of Encinitas City Clerk, or his or her designee, shall submit a proposed amendment to the Board of Directors. (Government Code Section 87306(a).) This Article shall be amended by the Board of Directors in accordance with Government Code Section 87311.
- (b) No later than July 1 of each even-numbered year, the Secretary or his or her designee shall review this Article. (Government Code Section 87306.5(a).) If a change in this Article is necessitated by changed circumstances, it shall be amended pursuant to subsection (a) of this section. (Government Code Section 87306.5(b).) If no change in this Article is required, the City of Encinitas City Clerk or his or her designee shall submit a written statement to that effect to the Board of Directors no later than October 1 of the same year. (Government Code Section 87306.5(b).)

(Res. No. 2020-02, adopted 5/20/20)



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Section 11.3. Definitions Incorporated.

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

(Res. No. 2020-02, adopted 5/20/20)

Section 11.4. Standard Code.

(a) By this reference, the 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 public review.

(Res. No. 2020-02, adopted 5/20/20)

Section 11.5. Filing Officer.

Individuals holding designated positions shall file their statements of economic interests with the City of Encinitas City Clerk's Department, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the City of Encinitas for the District.

(Res. No. 2020-02, adopted 5/20/20; Res. No. 2021-19, adopted 9/22/21)

Section 11.6. Disclosure Categories.

(a) Category 1 — Investments and business positions in any business entity located in or doing business within the District.

(b) Category 2 — Interests in real property located in the District, including property located within a two-mile radius of any property owned or used by the District

(c) Category 3 — Income and gifts from sources located in or doing business with the District received during the reporting period.

(d) Category 4 — Investments and business positions (as described in Category 1) located in or doing business with the District, or which foreseeably could do business with the district; and all income from a source (as described in Category 3) located in or doing business with the District or which foreseeably could do business with the District.

(Res. No. 2020-02, adopted 5/20/20; Res. No. 2021-19, adopted 9/22/21)

Section 11.7. Department Positions.

The following are the designated positions within District departments – Disclosure Categories 1, 2, 3, 4 apply to all positions listed below:

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Members of the Board of Directors
Board Secretary
Agency Attorney
Agency Assistant Attorney
Agency Deputy Attorney
Director of Utilities/General Manager
Principal Engineer
Senior Engineer
Water Operations Manager
Finance Manager I-II
Engineer I-II
Finance Analyst I-III

(Res. No. 2020-02, adopted 5/20/20; Res. No. 2021-19, adopted 9/22/21; Res. No. 2022-09, adopted 8/17/22)

Section 11.8. 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.

Position: Consultant

Category: 1, 2, 3

(c) Limitation to the Disclosure Category. The General 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 District. 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.

(Res. No. 2020-02, adopted 5/20/20)

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Section 11.9. Effective Date.

This Article shall not take effect until approved by the Board following a duly noticed public hearing and approved by the Board of Supervisors of the County of San Diego. Until such time, District's prior Administrative Code shall remain in full force and effect, as modified by Resolution No. 2020-02.

(Res. No. 2020-02, adopted 5/20/20)