

RESOLUTION NO. 2024-01A

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
METRO WASTEWATER JOINT POWERS AUTHORITY
ADOPTING AN AMENDED 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 Metro Wastewater JPA (the "**JPA**") 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 December 2, 2004, in compliance with the Act; and

WHEREAS, the Board of Directors adopted an amendment of the Code on September 1, 2016, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the JPA, namely the creation of new positions and the adoption of a new organizational chart, have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the JPA's Code; and

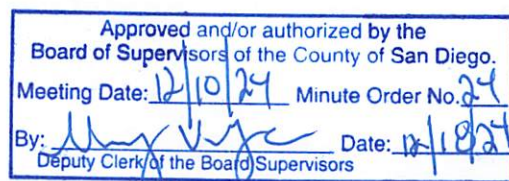
WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the JPA being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Code was provided each affected designated employee and publicly posted for review; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on August 1, 2024, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED BY THE METRO WASTEWATER JPA AS FOLLOWS:

Section 1. The Metro Wastewater JPA does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto as **Attachment A** in proposed final and strikeout/underline format, and shall be on file with the Board Secretary and available to the public for inspection and copying during regular business hours;



Section 2. That the said amended Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective immediately upon approval by the Board of Supervisors, as submitted.

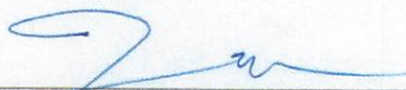
PASSED, APPROVED AND ADOPTED this 1st day of August 2024, by the following vote, to wit:

AYES: Preciado, Duncan, Kendrick, McKay, Baber, Jones, Yamane, Robak, Swanson, De Hoff

NOES: None

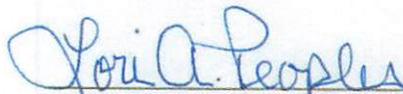
ABSENT: Worden, Anderson

ABSTAIN: None



Chair Jones
Metro Wastewater JPA

ATTEST:



Board Secretary Peoples
Metro Wastewater JPA

ATTACHMENT A

CONFLICT OF INTEREST CODE OF THE METRO WASTEWATER JPA (Amended August 1, 2024)¹

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Metro Wastewater JPA Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3(b), are NOT subject to the JPA's Code, but must file disclosure statements under Government Code Section 87200 *et seq.* [Regs. § 18730(b)(3)]

It has been determined that the positions listed below are officials who manage public investments. These positions are listed here for informational purposes only²:

Members of the Board of Directors and their Alternates

Executive Director

Treasurer

Engineering Consultant

Financial Consultant

General Counsel

Consultants and New Positions

¹ This amendment to update organizational changes and new positions, as provided by the Fair Political Practice Commission, was approved by the Board of Directors on August 1, 2024.

² Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Gov. Code § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

| <u>DESIGNATED POSITIONS TITLE OR FUNCTION</u> | <u>DISCLOSURE CATEGORIES ASSIGNED</u> |
|---|---|
| Executive Director | 1 through 6 |
| Treasurer | 1, 4, 5, 6 |
| Engineering Consultant | 1 through 6 |
| Financial Consultant | 1 through 6 |
| Board Members and Alternates | 1 through 6 |
| General Counsel | 1 through 6 |
| Consultants and New Positions ³ | |

³ Individuals serving as a consultant as defined in FPPC Reg. 18700.3(a) or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure category in this Code subject to the following limitation:

The Board of Directors may determine in writing that due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. 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 (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734). The Board of Directors' determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code (Gov. Code Sec. 81008).

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests which the designated position must disclose for each disclosure category to which he or she is assigned.⁴ "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the JPA.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments.

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 JPA.

Category 3: All investments and business positions in business entities, 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 JPA.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments from, business entities that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the JPA.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments from, business entities that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

⁴ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)