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9/11

RESOLUTION NUMBER R- 302981

DATE OF FINAL PASSAGE SEP 20 2007

RESOLUTION ADOPTING A CONFLICT OF INTEREST
CODE FOR THE INDEPENDENT RATES OVERSIGHT
COMMITTEE

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, a new Independent Rates Oversight Committee [IROC] was created by ordinance, O-19607, effective April 18, 2007, as part of a comprehensive safeguard plan for a new rate structure adopted for the City's water and wastewater systems; and

WHEREAS, eleven volunteers will serve on the IROC to assist the City to track and review the use of rate proceeds intended to fund capital improvement projects for the water and wastewater systems; and

WHEREAS, the IROC will replace the City's existing Public Utilities Advisory Commission, assuming its duties related to the review of policy, proposals and advice sought by the water and wastewater systems, and will also take on expanded duties; and

WHEREAS, the IROC will be charged with, among other things, reviewing reports on the expenditure of rate and bond proceeds; reviewing independent performance audits on the City's water and wastewater systems; advising about the efficiency and performance of both systems; overseeing department savings efforts; and providing an annual public report to the Mayor and City Council; and

WHEREAS, the ordinance creating the IROC requires a Conflict of Interest Code to be adopted, subject to City Council approval, and that members of the IROC file an annual Statement of Economic Interests (Form 700 of the Fair Political Practices Commission); and

WHEREAS, the City Council and the City Attorney concur that the Conflict of Interest Code should be adopted at this time; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Independent Rates Advisory Committee is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of the Conflict of Interest Code for the Independent Rates Advisory Committee as adopted be placed on file with the Office of the City Clerk as Document No. RR- 302981.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Independent Rates Advisory Committee shall file their statements of economic interest with the City Clerk.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Independent Rates Advisory Committee becomes effective upon the date of final passage of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Sharon B. Spivak
Sharon B. Spivak
Deputy City Attorney

SBS:als
06/20/07
Or.Dept: City Attorney

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 11 2007.

ELIZABETH S. MALAND
City Clerk

By Elizabeth S. Maland
Deputy City Clerk

Approved: 9-20-07
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor