

RESOLUTION NUMBER R- 306337

DATE OF FINAL PASSAGE NOV 16 2010

RESOLUTION ADOPTING A CONFLICT OF INTEREST  
CODE FOR THE PUBLIC UTILITIES DEPARTMENT

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, in compliance with Government Code section 87306.5, the City is in the midst of a required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-305874 (adopted by the City Council on May 25, 2010), the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission (FPPC) in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

WHEREAS, by Resolution Nos. R-304487 and R-304498, the City Council on December 2, 2008 approved amended Conflict of Interest Codes for the Water Department and for the Metropolitan Wastewater Department; and

WHEREAS, the Water and Metropolitan Wastewater departments are now part of the new Public Utilities Department; and

WHEREAS, the Council is thus asked to adopt a Conflict of Interest Code for the Public Utilities Department, replacing the conflict codes previously in existence for the Water Department and Metropolitan Wastewater Department and incorporating positions transferred from both departments; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Public Utilities Department 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.

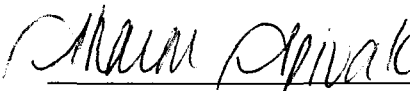
BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Public Utilities Department as adopted be placed on file in the Office of the City Clerk as Document No. RR- 306337.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Public Utilities Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

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 Public Utilities Department becomes effective upon the date of adoption of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:als  
11/02/10  
Or.Dept: Public Utilities Dept.

Public Utilities Department

Conflict of Interest Code  
Designated Positions  
APPENDIX A

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
<b><u>Department Management &amp; Strategic Programs</u></b>		
Director of Public Utilities	Administration of the Public Utilities Department.	1
Assistant Director of Business Support	Assist the Department Director in Business Services administration of the Public Utilities Department.	1
Assistant Director of Wastewater Operations	Assists the Public Utilities Director through executive level oversight and decision-making on matters in the Wastewater Operations Divisions.	1
Assistant Director of Water Operations	Assists the Public Utilities Director through executive level oversight and decision-making on matters of water system planning and operations.	1
Manager of Strategic Programs	Assist the Public Utilities Director through executive level strategic planning, oversight and decision-making for efficiency and optimization efforts and other high level projects.	1
Asset Management Coordinator	Responsible for the coordination and supervision of Department's asset management program.	2
Supervising Public Information Officer	Responsible for the Wastewater Division's public information and outreach efforts.	2

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FILED NOV 16 2010  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

# Public Utilities Department

## Conflict of Interest Code Designated Positions APPENDIX A

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
<b><u>Customer Support Division</u></b>		
Deputy Director	Administers work programs and budget of the Customer Support Division.	1
Supervising Public Information Officer	Educates and informs the public of the Public Utilities Department's programs and policies. Responds to media inquiries and runs the Department's web pages.	2
Claims and Insurance Manager (Customer Information and Billing Manager)	Supervises Customer Service Section, Office Operations, including billing charges and adjustments, payment processing, delinquent account collection and resolution. Interprets and enforces Municipal Code, and City and Departmental policies.	2
Metering and Compliance Manager	Supervises Customer Service Section, Field Operations, including Consumer Services, Code Compliance, Sewer Classification and Inspection, Meter Reading, Route Management, and Water Restoration. Interprets and enforces Municipal Code and City Department policies.	2
Claims and Insurance Manager (Automated Meter Reading Program)	Supervises a team of professional-level administrative staff performing a variety of Division support work, including budget and expenditure monitoring; performance measurement development and Bid to Goal.	2
Principal Engineering Aide (Cross-Connection Prevention Program)	Responsible for enforcement of cross-connection prevention requirements at all private and public water consuming properties; enforces State and County codes for regulations.	2
Consultant	As specified in contract.	3

Public Utilities Department

Conflict of Interest Code  
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POSITION	DUTIES	CATEGORY
<b><u>Employee Services and Internal Controls</u></b>		
Deputy Director	Approves or recommends policy and oversees: internal controls, human resources, strategic planning, performance measurement, training, safety and records management. Oversees staff that supports the Independent Rates Oversight Committee.	1
Internal Controls Program Manager	Supervises and sets policy for the Internal Controls Program which includes: contract review; audit support; program review and analysis; records management; and other accountability measures.	2
Supervising Human Resources Manager	Supervises and administers overall departmental human resources activities and functions.	2
Organization Effectiveness IV	Supervises staff to administer the strategic plan, departmental optimization and efficiency efforts, the Bid to Goal Program and other continuous improvement programs.	2
Supervising Management Analyst	Supervises staff that supports the Independent Rates Oversight Committee, Records Management and Internal Controls efforts.	2
Accountant IV	Supervises the staff to perform internal control activities and respond to and coordinate audits.	2
Contract Management Specialist	Approves or recommends financial and contractual decisions regarding construction contracts, engineering contracts, and procurement of materials and equipment.	2
Safety and Training Manager – Safety Program	Supervises and administers overall departmental safety activities and functions.	2
Safety and Training Manager – Training Program	Supervises and administers overall departmental training activities and functions.	2

# Public Utilities Department

## Conflict of Interest Codes Designated Positions APPENDIX A

POSITION	DUTIES	CATEGORY
<b><u>Engineering and Program Management</u></b>		
Deputy Director	Approves or recommends policies and decisions regarding the schedule, planning, design, land acquisition, permits, environmental issues, engineering, construction, contracts and cost control of water and wastewater facilities.	1
Senior Civil Engineer	Supervises the engineering functions for water and wastewater projects including planning, condition assessment, program management, quality assurance/quality control, engineering support, and technical studies.	2
Senior Mechanical Engineer	Supervises the functions related to energy management including, energy usage and generation, energy audits and conservation and project management of energy projects.	2
Project Officer II	Supervises the functions related to environmental review including environmental compliance, permit support, revegetation and mitigation, support to Wastewater Collection Division on canyon projects, support to Water Operations on construction and maintenance, redirection of flow studies, substantial conformance review, and canyon access planning and implementation.	2
Consultant	As specified in contract.	3

Public Utilities Department

Conflict of Interest Codes  
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POSITION	DUTIES	CATEGORY
<b><u>Environmental Monitoring And Technical Services</u></b>		
Deputy Director	Makes or approves all decisions to request equipment, supplies, materials and services. Develops and proposes Division's budget. Makes recommendations and administers all work programs of the Division.	1
Deputy Director (Provisional)	Assists with the implementation of the modified permit and in the development of a strategic plan for securing future permit modifications.	1
Pretreatment Program Manager	Supervises the Industrial Waste Control Program. Inspects and issues permits to industrial facilities and waste haulers to ensure compliance with industrial waste discharge regulations.	2
Senior Biologist	Responsible for the administration and supervision of Microbiology and Vector Management Programs, research programs and projects, and approves all materials, supplies, requirements and services. Influences methods and requirements of chemical and mechanical treatment for wastewater.	2
Senior Marine Biologist	Responsible for the administration and supervision of the Marine Biology Laboratory and Ocean Monitoring programs, research programs and projects, and approves all materials, supplies, equipment and services. Influences methods and requirements of chemical and mechanical treatment for wastewater.	2
Senior Chemist	Responsible for the administration and supervision of Wastewater Laboratory, Water Quality Laboratory, Industrial Waste Laboratory, and Permits and Compliance Section. Supervises and oversees regulatory permits and compliance, research programs and projects, and approves all materials, supplies, equipment and services. Influences methods and requirements of chemical and mechanical treatment for water and wastewater.	2



## Public Utilities Department

### Conflict of Interest Code Designated Positions APPENDIX A

POSITION	DUTIES	CATEGORY
<b><u>Finance &amp; Information Technology</u></b>		
Deputy Director	Responsible for management and administration of department fiscal, budgetary and information technology activities;	1
Program Manager (Rate Analysis and CIP)	Manages water and wastewater rate setting and monitors the Capital Improvement Program.	2
Supervising Economist	Performs water rate analysis and coordinates finances for CIP Program.	2
Supervising Management Analyst (Financial Services)	Supervises, analyzes and administers revenue and expenditure plan data, cost, and budgetary data.	2
Supervising Management Analyst (Grants and Agreements)	Supervises, analyzes and administers grants, agreements, and legislative review. Assists in overseeing departmental financial, budget and contract issues.	2
Supervising Management Analyst (Interagency Agreements Supervision)	Supervises Public Utilities Interagency Agreements staff, and coordinates the administration of agreements with regional public agencies for the sale of Potable and Recycled Water and the Treatment and Disposal of Wastewater.	2
Supervising Management Analyst (Rates & Finance Supervision)	Supervises Wastewater and Water debt and rate analyses, Grants and State Revolving Fund Loans, and Interagency Agreements for both Water and Wastewater.	2
Supervising Management Analyst (CIP Budget Supervision)	Supervises staff which administers and monitors the budgeting of Public Utilities Capital Improvement Projects; administers and monitors bond reimbursements; and provides tracking of Council Docket items.	2

## Public Utilities Department

### Conflict of Interest Code Designated Positions APPENDIX A

Senior Management Analyst (Revenue Supervision)	Performs revenue estimating, budgeting and tracking for Public Utilities.	2
Information Systems Administrator	Manages information technology services for the Department. Sets policy and budgets for information technology services.	2
Information Systems Analyst IV	Information Systems Analyst (ISA) IV – Program Management/New & Enhanced Applications. Supervises ISA III's and II's to administer the development of new and enhanced software applications for Public Utilities Department.	2
Information Systems Analyst IV (Infrastructure Operations Manager)	Supervises and administers the Infrastructure/Operations Group within the Information Services Section. Oversees the Department Help Desk, network, server and desktop environments. Manages hardware/software procurement, installations, maintenance and inventories.	2
Information Systems Analyst IV (Modifications and Maintenance)	Information Systems Analyst IV (Maintenance & Modifications): Supervises staff for ongoing maintenance and modification of IT Projects. Responsible for the creation and tracking of Department IT Budget.	2
Information Systems Analyst IV (System Integration and Architecture)	Analyst responsible for Enterprise systems design (hardware and software), Data Center operation, Data Warehouse Management, and supervision of IT Systems Analysts.	2
Information Systems Analyst IV (GIS/CMMS/Asset Management)	Supervises information systems staff, manages enterprise asset management, work order management and geographic information systems technology development projects.	2
Consultant	As specified in contract.	3

# Public Utilities Department

## Conflict of Interest Code Designated Positions APPENDIX A

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
<b><u>Long-Range Planning and Water Resources</u></b>		
Deputy Director	Responsible for oversight, direction and management of all Long-Range Planning and Water Resources Division activities.	1
Principal Water Resources Specialist (Water Reliability)	Supervises work on long-range water reliability planning, water feasibility studies, pilot and demonstration projects and other complex water supply initiatives for groundwater and desalination projects. Responsible for the SB610/221 water supply assessments of development proposals and the preparation of the Urban Water Management Plan. Responsible for selecting and managing consultants hired to assist in the efforts above.	2
Principal Water Resources Specialist (Legislation, Policy Resource Protection)	Supervises work units in the areas of public information and outreach, legislative analysis and policy review, and watershed and public utilities land protection.	2
Senior Water Resources Specialist	Formulates opinions and makes recommendations to the Long-Range Planning and Water Resources Division and Public Utilities Department regarding most appropriate position for the City on water policy issues; serves on numerous committees for the City of San Diego Public Utilities Department dedicated to water policy issues; monitors, reviews, and evaluates, programs and specific proposals developed by various agencies and others which could impact the reliability, price or quality of water supplies available in the City.	2
Senior Biologist	Leads and coordinates management of Public Utilities Department watershed and landholdings in order to minimize risk and protect water quality. Responsible for selecting and managing consultants hired to assist with these efforts.	2

## Public Utilities Department

### Conflict of Interest Code Designated Positions APPENDIX A

Supervising Public Information Officer	Responsible for leading public outreach and community involvement efforts associated with the Public Utilities Department's Long-Range Planning and Water Resources Division. Project work ranges from increasing local water supply such as water recycling and ground water development to water and reclaimed water rate increases. This position also provides back-up support duties to the Deputy Director, in responding to media inquiries and managing consultants hired to perform public outreach work for the department.	2
Recycled Water Program Manager	Manages and directs Department's water recycling program including: regulatory "on-site" field inspections and cross connection control, long-range planning and recycled water project development, feasibility studies, engineering and plan checking for future customer sites, marketing activities and consultant contracts. Negotiates, oversees, prepares or reviews agreements with other agencies or customers regarding the purchase of recycled water or recycled water system infrastructure. Develops or reviews participation agreements with water agencies, government entities or other utilities.	1
Senior Civil Engineer (Recycled Water Program)	Oversees in-house design, plan review and regulatory inspections (cross connection control) for the Recycled Water Program, as well as construction administration of recycled water retrofit projects. Performs public outreach and technical support to current and potential recycled water customers and manufacturers of cooling towers and pretreatment systems.	2
Water Conservation Manager	Responsible for the development and implementation of water conservation programs and the evaluation of new programs and technologies that help and support conserving water.	1
Supervising Management Analyst (Water Conservation)	Coordinates California Urban Water Conservation Council BMP Report Submittals and development of Annual Water Conservation Report. Responsible for developing water conservation campaigns and assists with overall management of Water Conservation Program.	2

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### Conflict of Interest Code Designated Positions APPENDIX A

Supervising Management Analyst (Landscape Conservation Designer)	Manages landscape water management programs and serves as the Department's liaison to local and state landscape and water conserving landscape organizations. Provides the public technical information on landscape and irrigation designs in order to reduce water consumption. Designs effective turf programs that incorporate water budgets, and incentive based rate structures for irrigation accounts. Supervises water conservation field personnel including: irrigation specialists, residential surveyors and water waste reps and manages those programs.	2
Consultant	As specified in contract.	3

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<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
<b><u>Wastewater Collection</u></b>		
Deputy Director	Administers work programs, policy and budget of the Wastewater Collection Division.	1
Wastewater Operations Branch Program Manager	Administers and advises on high level Branch-wide operational human resource efforts, to include hiring, training and discipline; conducts efficiency studies; and, coordinates special Branch-wide administrative projects.	1
Supervising Management Analyst	Supervises Division administrative staff, and assists with policy and budget of the Wastewater Collection Division.	2
Senior Civil Engineer	Supervises the Wastewater Collection Division's engineering programs including design, planning, and operation.	2
General Water Utility Supervisor	Responsible for coordination of all wastewater collection system operations and maintenance in the City of San Diego.	2
FEWD Program Manager	Responsible for and coordinates all Food Establishment Wastewater Discharge Permit Program (FEWD) activities.	2
Consultant	As specific in contract.	3

Public Utilities Department

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<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
<b><u>Wastewater Treatment and Disposal Division</u></b>		
Deputy Director	Approves or recommends policy and financial decisions regarding the wastewater treatment and disposal of regional wastewater treatment facilities. Oversees COMNET, facilities maintenance.	1
Wastewater Treatment Plant Superintendent	Responsible for supervising maintenance and operation for wastewater plants, sludge processing facilities, training, and major pump stations. Makes recommendations regarding equipment purchases and capital improvements including expansion, modification and replacement.	2
Principal Plant Technician Supervisor	Responsible for supervising maintenance and operation for major pump stations. Supervises all divisional maintenance planning functions and does specialized maintenance throughout the Division. Makes recommendations regarding equipment purchases and capital improvements including expansion, modification and replacement.	2
Supervising Management Analyst	Supervises, analyzes, prepares and administers the Wastewater Treatment and Disposal Division budget for the Department.	2
Senior Civil Engineer	Supervises the Wastewater Treatment and Disposal Division's engineering programs, including design, planning, and operations.	2
Senior Control Systems Engineer	Supervises and oversees the administration and support of Instrumentation and Control for the Department.	2
Senior Corrosion Engineer	Responsible for managing and implementing the department's Corrosion Control Program including mitigation, design, maintenance and supervision.	2
Consultant	As specified in contract.	3

Public Utilities Department

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POSITION	DUTIES	CATEGORY
<b><u>Water Operations Division</u></b>		
Deputy Director (Systems Operations)	Oversees operation and maintenance of Water Treatment Plants and distribution systems, and engineering and corrosion control support functions of the Water Operations Branch.	1
Deputy Director (Construction & Maintenance)	Oversees Water Operations Branch construction and maintenance operations.	1
Program Manager (Admin)	Administers and advises on high level Branch-wide operational efforts, to include hiring, training and discipline; conducts efficiency studies; and, coordinates special Branch-wide administrative projects. Oversees the Reservoir and Recreation Program and Administrative and PIO sections.	2
Water Production Superintendent	Manages and oversees the operation and maintenance of the water treatment plants and the electrical/instrumentation support of the Branch.	2
Water Production Superintendent	Manages and oversees the operation (monitoring and control) and maintenance of the City's municipal water distribution system (potable and recycled).	2
Supervising Management Analyst	Assists in the administration of all work programs and supervises administrative staff.	2
Water Systems District Manager (North)	Responsible for the coordination of all Division construction and distribution system maintenance, including making recommendations for equipment and capital improvements.	2
Water Systems District Manager (South)	Responsible for the coordination of all Division construction and distribution system maintenance, including making recommendations for equipment and capital improvements.	2
Water Systems District Manager (Meter Shop)	Responsible for the coordination of all replacement & installation of domestic, commercial and construction water meters and backflow systems.	2



## Public Utilities Department

### Conflict of Interest Code Designated Positions APPENDIX A

Senior Water Operations Supervisor (Alvarado)	Responsible for the operation and maintenance of potable water treatment plants, including making recommendations for equipment replacement and capital improvements.	2
Senior Water Operations Supervisor (Otay)	Responsible for the operation and maintenance of potable water treatment plants, including making recommendations for equipment replacement and capital improvements.	2
Senior Water Operations Supervisor (Miramar)	Responsible for the operation and maintenance of potable water treatment plants, including making recommendations for equipment replacement and capital improvements.	2
Lakes Program Manager	Responsible for the operation and maintenance of the dams, reservoirs, and raw water transmission system. Oversees, directs and administers the City Lakes Recreation Program.	2
Supervising Public Information Officer	Responsible for the Division's public information and outreach efforts.	2
Senior Civil Engineer	Manages and oversees engineering support to the Division related to local and imported water supply, dams and reservoirs, water treatment plants and watershed properties.	2
Senior Civil Engineer	Manages and oversees engineering services related to corrosion control for both the Water Operations Branch and the Wastewater Branch.	2
Consultant	As specified in contract.	3

**PUBLIC UTILITIES DEPARTMENT  
CONFLICT OF INTEREST CODE**

**APPENDIX B  
DISCLOSURE CATEGORIES**

**CATEGORY 1:**

- a. Investments and business positions in any business entity located in or doing business with the City of San Diego.
- b. Income and gifts from sources located in or doing business with the City of San Diego.
- c. Interests in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.

**CATEGORY 2:**

- a. Investments and business positions in any firm or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.
- b. Income and gifts from any person or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.
- c. Interest in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.

**CATEGORY 3:**

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:*

The Department Director or designated authority may determine in writing that a particular consultant, although 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 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 Department 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.