

REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 123 12/02						
001837								
TO: CITY ATTORNEY	2. FROM (ORIGINATING DEPARTMENT): STORM WATER DEPARTMENT	3. DATE: AUGUST 22, 2008						
4. SUBJECT: CONFLICT OF INTEREST CODE FOR STORM WATER DEPARTMENT								
5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) JUAN CASTRUITA, M.S. 1900, (858) 541-5311		6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) ANTHONY CHADWICK, M.S. 1900, (858) 541-5308						
		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>						
8. COMPLETE FOR ACCOUNTING PURPOSES								
FUND		9. ADDITIONAL INFORMATION / ESTIMATED COST:						
DEPT.								
ORGANIZATION								
OBJECT ACCOUNT								
JOB ORDER								
C.I.P. NUMBER								
AMOUNT								
10. ROUTING AND APPROVALS								
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	11/18/08	8	DEPUTY CHIEF			
2				9	COO			
3				10	CITY ATTORNEY	<i>[Signature]</i>	11/19/08	
4	CFO			11	ORIGINATING DEPARTMENT			
5				DOCKET COORD: _____ COUNCIL LIAISON: _____				
6				✓	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
7					<i>[Signature]</i>	<input type="checkbox"/> REFER TO: _____	COUNCIL DATE: 12/2/08	
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)								
Adopting the revised Conflict of Interest Code for Storm Water Department.								
11A. STAFF RECOMMENDATIONS: Approve the revised Conflict of Interest code and appendices as submitted.								
12 SPECIAL CONDITIONS: <u>COUNCIL DISTRICT(S): ALL</u> <u>COMMUNITY AREA(S): CITYWIDE</u> <u>ENVIRONMENTAL IMPACT: N/A</u> <u>HOUSING IMPACT: N/A</u> <u>OTHER ISSUES: NONE</u>								

001839

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED:

August 22, 2008

REPORT NO:

ATTENTION: City Council

ORIGINATING DEPARTMENT: STORM WATER DEPARTMENT

SUBJECT: BIENNIAL REVIEW: CONFLICT OF INTEREST CODES

COUNCIL DISTRICT(S): N/A

CONTACT/PHONE NUMBER: JUAN CASTRUITA (858)541-4311

REQUESTED ACTION: Resolution

STAFF RECOMMENDATION: Pass Resolution

EXECUTIVE SUMMARY:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008. The Storm Water Department code has been revised to include the following sections: **Administration Section:** Director and Supervising Management Analyst. **Pollution Prevention Division:** Deputy Director, Storm Water Environmental Specialist, Recycling Program Manager, Education Program Manager, Project Officer II and Senior Civil Engineer. **Operations and Maintenance Division:** Deputy Director.

FISCAL CONSIDERATIONS: 0

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Department Head

8/21/08

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SAN DIEGO, CALIF.

or

001841

2008 Local Agency Biennial Notice

Name of Agency: STORM WATER DEPARTMENT

Mailing Address: _____

Contact Person: JUAN CASTRUITA

Phone Number: 858 541 5311 Fax Number: _____

E-mail: jcastruita@san-diego.gov

This agency has reviewed its conflict of interest code and has determined that:

- The code needs to be amended and the following amendments are necessary:
(Check all that apply)
- Include new positions (including consultants) which must be designated (App. A)
 - Delete positions that manage public investments from the list of designated positions.
 - Revise disclosure categories (App. B)
 - Revise the titles of existing positions (App. A)
 - Delete the titles of positions that have been abolished (App. A)

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Charles B. Heierich
 Signature of Chief Executive Officer

8/21/08
 Date

You must complete this report regardless of how recently your code was approved or amended.

Please return this report by August 22, 2008, to:

Denise Jenkins, Elections Analyst
 Office of the City Clerk
 202 C Street, MS 2A, San Diego, CA 92101

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 CITY CLERK'S OFFICE
 SAN DIEGO, CALIF.
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CERTIFICATION

The foregoing amendment to the Conflict of Interest Code was prepared by the City of San Diego's Storm Water Department after a fair opportunity was offered to the members of the department/agency/board to present their views.

Charles H. Hirsch

(signature of executive officer)

8/21/08

(date)

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SAN DIEGO, CALIF.

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001845

Deleted: Metropolitan Wastewater

Conflict of Interest Code
Designated Positions
APPENDIX A

POSITION	DUTIES	CATEGORY	
ADMINISTRATION			
Director	Administration of the Storm Water Department	1	Deleted: ¶ Formatted ... [1] Formatted ... [2] Formatted Table ... [3] ... [4] Deleted: Metropolitan Wastewater Deleted: Assistant Director ... [5]
Administrative Services Program Manager	Manages Administrative Section activities; oversees Contracts and Grants section, handles department strategic planning, position control and performance measurement, safety, training, and development.	2	Formatted Table ... [6] Deleted: INFORMATION AND ... [7] Deleted: 1 Deleted: Approves or recomm ... [8] Deleted: Department informat ... [9] Deleted: Information System ... [10] Deleted: 2 Deleted: Supervising Human ... [11] Deleted: Supervises and adr ... [12] Deleted: Senior Control Syst ... [13] Deleted: the design, constru ... [14] Deleted: Senior Mechanical ... [15] Deleted: 2 Deleted: Responsible for Deleted: the Deleted: the Deleted: City's Deleted: departmental Deleted: storm water Deleted: public information ... [16] Deleted: Supervising Public ... [17] Deleted: SERVICES AND ... [18] Formatted ... [19] Formatted Table ... [20] Deleted: ----- Page Break ... [21] Deleted: Principal Contract ... [22] ... [23] Formatted ... [24] Formatted ... [25] Deleted: G:\gmtpol\public\MT ... [26] Deleted: 4 Formatted ... [27] Formatted ... [28] Formatted ... [29] Formatted ... [30]
Supervising Management Analyst	Supervises, analyzes and administers department budget, revenue plan data, cost data, agency contracts and payments.		
POLLUTION PREVENTION DIVISION			
Deputy Director	Manages division activities; approves and/or recommends financial decisions regarding construction/engineering/consulting contracts, procurement of materials and equipment.	1	
Storm Water Environmental Specialist	Reviews and evaluates agreements for professional/technical services, approves procurement of materials; approves contract payments; reviews and approves technical reports and studies.	2	
Education Program Manager	Responsible for the City's Storm Water public information and outreach efforts; negotiates service contracts and consultant agreements; reviews work products and invoices for payment.	2	
Project Officer II	Oversees division agency contracts, coordinates with section heads on Council Actions to adherence to City financial and routing guidelines.	2	
Sr. Civil Engineer, Project Officer II, Storm Water - Environmental Specialist	Reviews and evaluates agreements for professional/technical services, approves procurement of materials; approves contract payments; reviews and approves technical reports and studies.	2	
OPERATIONS AND MAINTENANCE DIVISION			
Public Works Superintendent	represents the City in meetings with citizen groups, architects, engineers, contractors, other City departments and other governmental agencies; supervises the preparation of, and/or approves all documents, plans, specification, bidding procedures and contract awards; responsible for contract payments and management.	2	
Deputy Director	Approves or recommends policy and financial decisions regarding construction contracts, engineering contracts, modification to existing facilities, and procurement of materials and equipment; negotiates and administers agency contracts; administers grants; prepares operations and maintenance and capital improvements budgets.	1	

001846

Storm Water Department

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Conflict of Interest Code
Designated Positions
APPENDIX A

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CONSULTANTS

Perform consultant services for the Storm Water Department.

3

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Storm Water Department

Conflict of Interest Code
Designated Positions
APPENDIX A

POSITION	DUTIES	CATEGORY
ADMINISTRATION		
Director	Administration of the Storm Water Department	1
Administrative Services Program Manager	Manages Administrative Section activities; oversees Contracts and Grants section, handles department strategic planning, position control and performance measurement, safety, training, and development.	2
Supervising Management Analyst	Supervises, analyzes and administers department budget, revenue plan data, cost data, agency contracts and payments.	
POLLUTION PREVENTION DIVISION		
Deputy Director	Manages division activities; approves and/or recommends financial decisions regarding construction/engineering/consulting contracts, procurement of materials and equipment.	1
Storm Water Environmental Specialist	Reviews and evaluates agreements for professional/technical services, approves procurement of materials; approves contract payments; reviews and approves technical reports and studies.	2
Education Program Manager	Responsible for the City's Storm Water public information and outreach efforts; negotiates service contracts and consultant agreements; reviews work products and invoices for payment.	2
Project Officer II	Oversees division agency contracts, coordinates with section heads on Council Actions to adherence to City financial and routing guidelines.	2
Sr. Civil Engineer, Project Officer II, Storm Water – Environmental Specialist	Reviews and evaluates agreements for professional/technical services, approves procurement of materials; approves contract payments; reviews and approves technical reports and studies.	2
OPERATIONS AND MAINTENANCE DIVISION		
Public Works Superintendent	Represents the City in meetings with citizen groups, architects, engineers, contractors, other City departments and other governmental agencies; supervises the preparation of , and/or approves all documents, plans, specification, bidding procedures and contract awards; responsible for contract payments and management".	2
Deputy Director	Approves or recommends policy and financial decisions regarding construction contracts, engineering contracts, modification to existing facilities, and procurement of materials and equipment; negotiates and administers agency contracts; administers grants; prepares operations and maintenance and capital improvements budgets.	1
CONSULTANTS		
	Perform consultant services for the Storm Water Department.	3

STORM WATER DEPARTMENT
CONFLICT OF INTEREST CODE
DISCLOSURE CATEGORIES
APPENDIX B

CATEGORY	DESCRIPTION
1	<p>Investments and business positions in any business entity located in or doing business with the City.</p> <p>Income and gifts from sources located in or doing business with the City.</p> <p>Interests in real property located in the City, including property located within a two-mile radius of any property owned or used by the City.</p>
2	<p>All investments and business positions in any firm or entity which supplies goods or services to the Storm Water Department of the City, ("Department"), that is a tenant of the Department, that is an adverse party to the Department in a legal proceeding, is granted authority by the City to use Department facilities, or that engages in land development, construction or the acquisition or sale of real property for the Department.</p> <p>All interests in real property owned or used by any firm or entity that supplies goods or services to the Department, that is a tenant of the Department, that is an adverse party to the Department in a legal proceeding, is granted authority by the City to use Department facilities, or that engages in land development, construction or the acquisition or sale of real property for the Department.</p> <p>All sources of income, loans or gifts from any person, firm or entity that supplies goods or services to the Department, that is a tenant of the Department, that is an adverse party to the Department in a legal proceeding, is granted authority by the City to use Department facilities, or that engages in land development, construction or the acquisition or sale of real property for the Department.</p>
3	<p>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:</p> <p>The Department Director or Deputy Directors 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 in this section. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. The Department Director or Deputy 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.</p>

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION ADOPTING A REVISED CONFLICT OF
INTEREST CODE FOR THE STORM WATER 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-303718 (approved by the City Council on May 20, 2008), 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

001852

WHEREAS, by Resolution No. R-302194, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for the Metropolitan Wastewater Department, which included positions that are now within the Storm Water Department; and

WHEREAS, the Storm Water Department now seeks to account for reorganization and have a code that reflects that it is now a separate department, and to include the Administration Section, Pollution Prevention Division and Operations and Maintenance Division and their respective positions and the disclosure categories for each position; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Storm Water Department; 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 Storm Water 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.

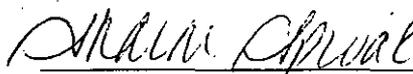
BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Storm Water Department as adopted be placed on file in the Office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the Storm Water 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 Storm Water Department becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:als
11/17/08
Or.Dept:Storm Water
R-2009-381