



# Monterey County Board of Supervisors

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Order

### Resolution No.: 19-021

Upon motion of Supervisor Alejo, seconded by Supervisor Adams and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 19-021 to revise and approve amendments to the Conflict of Interest Code of Monterey One Water.

PASSED AND ADOPTED on this 29th day of January 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Lopez, Phillips, and Adams

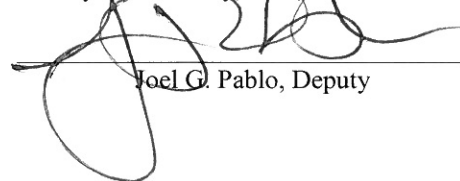
NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 81 for the meeting January 29, 2019.

Dated: January 30, 2019  
File ID: RES 19-177

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California



Joel G. Pablo, Deputy

*Before the Board of Supervisors in and for the  
County of Monterey, State of California*

**Resolution No. 19-021**

Resolution revising and approving the )  
Amended Conflict of Interest Code of )  
Monterey One Water ..... )

WHEREAS, pursuant to Government Code sections 87300 and 87301, Monterey One Water has adopted a Conflict of Interest Code;

WHEREAS, pursuant to Government Code section 87306, Monterey One Water amended its Conflict of Interest Code as necessitated by changed circumstances;

WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, Monterey One Water submitted its amended Code to the Monterey County Board of Supervisors, the code reviewing body pursuant to the Political Reform Act, for approval;

WHEREAS, the amended Conflict of Interest Code of Monterey One Water is attached hereto as Attachment A and incorporated herein by reference;

WHEREAS, pursuant to Government Code section 87303, the Board of Supervisors as code reviewing body may approve the Code as submitted, may revise the proposed Code and approve it as revised, or may return the proposed Code to the agency for revision and resubmission; and

WHEREAS, Monterey County Counsel has recommended that the amended code be revised as set forth in the Memorandum attached as Attachment B and incorporated herein by reference;

WHEREAS, the amended Code, revised as set forth in the attached Memorandum, is lawful under the Political Reform Act of 1974;

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby revise the proposed code as set forth in the attached Memorandum of County Counsel and does hereby approve the Amended Conflict of Interest Code of Monterey One Water, as so revised, attached hereto as Attachments A and B, and directs the Clerk of the Board of Supervisors to notify Monterey One Water of the revision and approval.

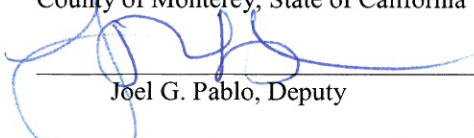
PASSED AND ADOPTED on this 29th day of January 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Lopez, Phillips, and Adams  
NOES: None  
ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 81 for the meeting January 29, 2019.

Dated: January 30, 2019  
File ID: RES 19-177

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

  
Joel G. Pablo, Deputy

**RESOLUTION NO. 2018-18**  
**A RESOLUTION OF THE MONTEREY ONE WATER**  
**BOARD OF DIRECTORS AMENDING THE CONFLICT OF INTEREST**  
**CODE TO REVISE THE LIST OF DESIGNATED EMPLOYEES/POSITIONS**

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**WHEREAS**, the Monterey One Water (M1W), pursuant to the California Fair Political Practices Act, adopted a Conflict of Interest Code in 1975 and a revised model code in 1988, which was subsequently amended in 1990 and 1992; and

**WHEREAS**, because of recent state legislation and broader interpretations of the Act by the Fair Political Practices Commission (FPPC), it is appropriate to amend M1W's code to add and delete positions and/or titles to the list of Designated Positions and/or update the list to include new position titles; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of M1W that Exhibit A to M1W's Conflict of Interest Code, as adopted by Resolution No. 88-12 on August 22, 1988, and subsequently amended by Resolution No. 90-07 on March 26, 1990, Resolution 92-20 on October 26, 1992, Resolution 98-12 on August 31, 1998, Resolution 2004-4 on February 23, 2004, Resolution 2006-21 on August 28, 2006, Resolution 2008-10 on August 25, 2008, Resolution 2010-12 on August 30, 2010, Resolution 2012-16 on August 27, 2012, Resolution 2014-20 on September 29, 2014 and Resolution 2015-23 on September 28, 2015 is hereby further amended to read as set forth in full on the attached pages marked "Exhibit A" and incorporated herein by this reference thereto.

**PASSED AND ADOPTED** by the Board of Directors of M1W at its Regular Board Meeting duly held on October 29, 2018, by the following vote:

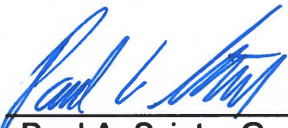
**AYES: STEFANI, PHILLIPS, ALLION, MOORE, HOFFA, CARBONE, RUBIO**

**NOES: NONE**

**ABSENT: GRIER, FISCHER, DE LA ROSA**

  
\_\_\_\_\_  
Rudy Fischer, Chair  
M1W Board of Directors

**ATTEST:**

  
\_\_\_\_\_  
Paul A. Sciuto, General Manager  
Secretary to the Board

**AMENDED  
CONFLICT OF INTEREST CODE \*  
OF MONTEREY ONE WATER**

*[Adopted as part of M1W Resolution No. 2018-18, Amending the Conflict of Interest Code to Revise the List of Designated Employees/Positions]*

1. Adoption by Incorporation. The Political Reform Act of 1974, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission had adopted a regulation, 2 California Code of Regulation Section 18730, which contains the terms of a standard model Conflict of Interest Code, which may be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the following Exhibit A and Exhibit B, in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Monterey One Water ("M1W").

2. Filing of Statements. Pursuant to 2 California Code of the Regulations Section 18730(b)(4), all designated employees shall file statements of economic interests with M1W. Upon receipt of the statements of the M1W Board of Directors, the M1W shall make and retain a copy and forward the original of each statement to the code reviewing body. Statements for all other designated employees will be retained by M1W.

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\* Originally adopted August 22, 1988.

**EXHIBIT A:**      **Designated Positions** \*\*

	<b><u>List of Designated Positions</u></b>	<b><u>Assigned Disclosure Category</u></b>
	M1W Board of Directors and Alternates	1
	General Manager	1
	Assistant General Manager	1
	Business Services Manager/Chief Financial Officer	1
	Operations Manager	1
	Field Operations and Maintenance Manager	1
	Engineering Staff	1
	Human Resources Manager	1
	Government Affairs Manager	1
	Information Systems Manager	1
	M1W Legal Counsel	1
	Consultants***	1

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\*\* Exhibit "A" amended October 29, 2018.

\*\*\* "Consultant" description, as follows:

\*\*\* **CONSULTANTS:** 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 General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements as described in Appendix B. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as set forth in this resolution.

## **EXHIBIT B:**

## **Disclosure Categories**

### **General Provisions:**

When a member, officer, or employee who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two (2) years. In addition to other activities, a business entity is doing business with the jurisdiction if it owns real property within the jurisdiction.

When a designated member, officer, or employee who holds a designated position is required to disclose sources of income, he or she shall disclose gifts received from donors located inside, as well as outside, the jurisdiction.

When a designated member, officer, or employee who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below, if it is located in whole, or in part, within or not more than two (2) miles outside of the boundaries of the jurisdiction, or within two (2) miles of any land owned or used by Monterey One Water.

When a designated member, officer, or employee who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in California, plan to do business in California, or have done business in California within the past two (2) years.

For purposes of this Conflict of Interest Code, the jurisdiction of Monterey One Water is that area within the boundaries of the Monterey Regional County Sanitation District.

### **Disclosure Category 1:**

A member, officer, or employee holding a position assigned to Disclosure Category 1 shall, in the manner described above, report:

- (a) All investments in business entities and sources of income in the jurisdiction;
- (b) Interests in real property in the jurisdiction which were acquired by, leased, or otherwise used by Monterey One Water;
- (c) His or her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

# MONTEREY COUNTY



OFFICE OF THE COUNTY COUNSEL

CHARLES J. MCKEE, COUNTY COUNSEL

## MEMORANDUM

**DATE:** January 8, 2019

**TO:** Chair Phillips and Members of the Monterey County Board of Supervisors

**FROM:** Rebecca M. Cenicerós, Deputy County Counsel

**SUBJECT:** Monterey One Water amended Conflict of Interest Code

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Government Code section 87303(b) provides that the Board, as the code reviewing body for local agencies, may revise a proposed Conflict of Interest Code and approve it, as revised. Monterey One Water has submitted an amended Conflict of Interest Code to the Board for review.

County Counsel recommends that the Board revise this amended Conflict of Interest Code to incorporate the definition of consultants set forth in Title 2 of the California Code of Regulations, section 18700.3(a).

County Counsel recommends that the Board approve the proposed Conflict of Interest Code of Monterey One Water as so revised.

CHARLES J. MCKEE, County Counsel

By 

Rebecca M. Cenicerós  
Deputy County Counsel