

CONFLICT OF INTEREST CODE
OF THE
MARINA COAST WATER DISTRICT
OF MONTEREY COUNTY

(a) The Political Reform Act of 1974, Government Code sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of standard model Conflict of Interest Code, which can 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 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix 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 Marina Coast Water District.

(b) Pursuant to Government Code section 81008 and 2 Cal. Code of Regs. Section 18730 (b) (4), all designated employees shall file statements of economic interests with their agency. Upon receipt of the statement of the Board of Directors, the agency shall make and retain a copy and forward the original of the statement to the code reviewing body, the Monterey County Board of Supervisors. Statements for all other designated employees shall be retained by the agency, which shall make the statements available for public inspection and reproduction.

(c) APPENDIX

EXHIBIT A:
DESIGNATED POSITIONS

List of Designated Positions	Assigned Disclosure Categories
Members of the Board of Directors	1
General Manager	1
Deputy General Manager/District Engineer	1
District Engineer	1
Director of Administrative Services	1
Operations and Maintenance Superintendent	1
Director of Finance	1
Management Services Administrator	1
Water Quality Manager	1
Conservation Coordinator	1
District Legal Counsel	1
Capital Projects Manager	1
<u>Project Manager*</u>	1
Consultants ¹	1

*Add Project Manager

EXHIBIT B:

DESIGNATED EMPLOYEES IN CATEGORY 1 MUST REPORT:

1. Investments in any business entity which:
 - (a) has contracted with this district within the last two years, or in the future may foreseeably do so, to provide services of any kind, supplies, materials, machinery, or equipment to the district; or
 - (b) manufactures, produces or processes any of said types of things and sells or leases them to a business entity which sells or leases them to the district, or
 - (c) deals in, or repairs or services any of said types of things which have been, are, or foreseeably may be, used by the district.
2. Income from any of the types of business entities referred to in paragraph 1 above, or from any person or business entity who or which receives the services provided by the district, or in the future may foreseeably do so, except such income as is not reportable under the provisions of subdivision (b) of Section 82030 of the Government Code.
3. His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any of the types of business entity referred to in either paragraph 1 or 2 above.
4. All interests in real property located in the jurisdiction of the district, or not more than two miles outside its boundaries, if the fair market value of the interest is greater than \$1,000.

Amended: 4/10/2012

¹ *For purposes of this Code, "consultant" has the same meaning as set forth in 2 Cal. Code of Regs. section 18701(a)(2), as follows:

"Consultant" means an individual who, pursuant to a contract with a state or local government agency:

- (A) Makes a governmental decision whether to:
 1. Approve a rate, rule, or regulation;
 2. Adopt or enforce a law;
 3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 4. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;

5. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;

6. Grant agency approval to a plan, design, report, study, or similar item;

7. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

Consultants to the Marina Coast Water District shall be subject to disclosure under Category 1, subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "Designated Employee," 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 of Category 1. In such cases, the General Manager may designate a different disclosure requirement. Such designation must be made in writing and shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements. The General Manager's designation must be filed, in advance of disclosure by the consultant, with the agency's conflict of interest code and also filed with the code reviewing body and must be delivered to the consultant along with a copy of the conflict of interest code and the manual and forms for disclosure (FPPC Form 700).