



## Monterey County Board of Supervisors

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

### Board Order

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

Adopted Resolution No. 16-307 to approve the amendments to the Conflict of Interest Code of Marina Coast Water District.

PASSED AND ADOPTED on this 15th day of November 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 79 for the meeting on November 15, 2016.

Dated: November 15, 2016  
File ID: 16-1275

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy



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

**Resolution No. 16-307**

Adopt Resolution approving the                     )  
Amended Conflict of Interest Code of             )  
Marina Coast Water District.....             )

WHEREAS, pursuant to Government Code sections 87300 and 87301, the Marina Coast Water District of the County of Monterey has adopted a Conflict of Interest Code;

WHEREAS, pursuant to Government Code section 87306, the Marina Coast Water District has amended its conflict of interest code as necessitated by changed circumstances;

WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, th Marina Coast Water District has submitted its amended code to the Monterey County Board of Supervisors, the code reviewing body, for approval;

WHEREAS, the amended Conflict of Interest Code of Marina Coast Water District 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, revise the proposed code and approve it as revised, or return the proposed code to the agency for revision and resubmission; and

WHEREAS, the proposed code as amended is lawful under the Political Reform Act of 1974;

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby approve the Amended Conflict of Interest Code of Marina Coast Water District, attached hereto as Attachment A, and direct the Clerk of the Board of Supervisors to notify Marina Coast Water District of the approval.

**PASSED AND ADOPTED** upon motion of Supervisor Phillips, seconded by Supervisor Salinas carried this 15th day of November 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 79 for the meeting on November 15, 2016.

Dated: November 15, 2016  
File Number: 16-1229

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

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 of which the jurisdiction of the District is located wholly within the County of Monterey.

(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 statements of the Board of Directors, the General Manager, and the Director of Administrative Services, 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

Attachments: Appendix A  
Appendix B  
Appendix C

APPENDIX A:

DESIGNATED POSITIONS

<u>List of Designated Positions</u>	<u>Assigned Disclosure Categories</u>
Deputy General Manager/District Engineer	1
District Engineer	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
Project Manager	1
Consultants <sup>1</sup>	1
HR/Customer Relations Manager	1
Water Conservation Specialist III	1
Lab Supervisor	1

<sup>1</sup> \*For purposes of this Code, "consultant" has the same meaning as set forth in 2 Cal. Code of Regs. Section 18700.3(a), as follows:

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

(A) For purposes of Sections 82019 and 82048, "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).

APPENDIX B:

DESIGNATED POSITIONS FILING UNDER SECTION 87200

<u>List of Designated Positions</u>	<u>Assigned Disclosure Categories</u>
Members of the Board of Directors	1
General Manager	1
Director of Administrative Services	1



APPENDIX C:

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: October 17, 2016