

September 17, 2018

Resolution No. 2018 - 51
Resolution of the Board of Directors
Marina Coast Water District
Amending the Marina Coast Water District
Conflict of Interest Code

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on September 17, 2018 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000, et seq., requires state and local government agencies to adopt a Conflict of Interest Code; and,

WHEREAS, Government Code Section 87200 requires that public officials who manage public investments file a full disclosure Form 700, and that they are not included as designated employees under the Conflict of Interest Code, but rather included on a separate exhibit to it; and,

WHEREAS, it is necessary for the District to periodically update its Conflict of Interest Code for review by the District’s code filing body, the Monterey County Board of Supervisors; and,

WHEREAS, a review of said Code has indicated the list of Designated Positions set forth on Exhibit A should be revised; and,

WHEREAS, the existing Exhibit B and Exhibit C, need no amendment at this time; and,

WHEREAS, the Fair Political Practices Commission describes a Designated Employee as an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on any financial interest; and,

WHEREAS, the District wishes to add the position titles of Human Resource/Risk Administrator, Water Resources Manager, and Senior Engineer to the list of Designated Positions set forth on Exhibit A to the District’s Conflict of Interest Code; and,

WHEREAS, the District wishes to remove the position title of Capital Projects Manager, and change the title of the Operations and Maintenance Superintendent to Operations and Maintenance Manager.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby:

1. Amend the Marina Coast Water District Conflict of Interest Code to add the position titles of Human Resource/Risk Administrator, Water Resources Manager, and Senior Engineer to the list of Designated Positions set forth on Exhibit A to the District’s Conflict of Interest Code, in the form attached to this Resolution; and,

2. Amend the Marina Coast Water District Conflict of Interest Code to remove the position Capital Projects Manager, and change the title of the Operations and Maintenance Superintendent to Operations and Maintenance Manager.

PASSED AND ADOPTED on September 17, 2018, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors Lee, Cortez, Gustafson, Shriner, Moore

Noes: Directors None

Absent: Directors None

Abstained: Directors None



Thomas P. Moore, President

ATTEST:



Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-51 adopted September 17, 2018.



Keith Van Der Maaten, Secretary

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, Section 18730 of Title 2 of California Code of Regulations, 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 of Section 18730 of Title 2 of California Code of Regulations and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendices designating positions and establishing disclosure categories are hereby incorporated by reference and together 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 Section 18730 of Title 2 of California Code of Regulations (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 Marina Coast Water District, which shall make the statements available for public inspection and reproduction.

(c) APPENDIX

Attachments: Appendix A
Appendix B
Appendix C

Amended: September 17, 2018

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 <u>Manager</u>	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>Senior Engineer</u>	1
<u>Water Resources Manager</u>	1
Project Manager	1
HR/Customer Relations Manager	1
<u>Human Resources/Risk Administrator</u>	1
Water Conservation Specialist III	1
Lab Supervisor	1
Consultants ¹	1

¹ *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.