



Monterey County Board of Supervisors

Board Order

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A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to:

Resolution No.: 20 - 271

Adopt a resolution to revise and approve amendments to Monterey One Water's Conflict of Interest Code.

PASSED AND ADOPTED on this 17th day of November 2020, by roll call vote:

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

NOES: None

ABSENT: None

(Government Code 54953)

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 82 for the meeting November 17, 2020.

Dated: November 17, 2020
File ID: RES 20-201
Agenda Item No.: 46

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. 20 – 271

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

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

WHEREAS, under Government Code section 87306, Monterey One Water amended its Conflict of Interest Code to update its designated positions;

WHEREAS, under 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 under 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, under 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, the amended Code 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 and does hereby approve the Amended Conflict of Interest Code of Monterey One Water attached hereto as Attachments A and B, and directs the Clerk of the Board of Supervisors to notify Monterey One Water of its approval.

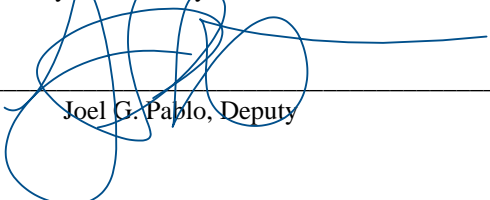
PASSED AND ADOPTED on this 17th day of November 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams
NOES: None
ABSENT: None
(Government Code 54953)

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



Joel G. Pablo, Deputy

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

[Adopted as part of M1W Resolution No. 2020-22, 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.

* Originally adopted August 22, 1988.

EXHIBIT A: Designated Positions **

	<u>List of Designated Positions</u>	<u>Assigned Disclosure Category</u>
	M1W Board of Directors and Alternates	1
	General Manager	1
	Assistant General Manager	1
	Business Services Manager/Chief Financial Officer	1
	Chief Plant Operator	1
	Utilities & Maintenance Services Manager	1
	Engineering Staff	1
	Director of Employee Services	1
	Director of External Affairs	1
	Information Systems Manager	1
	M1W Legal Counsel	1
	Consultants***	1

** Exhibit "A" amended September 28, 2020.

*** "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.