

CONFLICT OF INTEREST CODE FOR THE  
MONTEREY PENINSULA REGIONAL PARK DISTRICT  
(name of agency)

The Political Reform Act, 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. Adm. Code Section 18730, which contains the terms of a standard 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 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the MONTEREY PENINSULA REGIONAL PARK DISTRICT  
(name of the agency)

Pursuant to Section 4(A) of the standard Code, designated employees shall file statements of economic interests with their agency. Upon receipt of the statements of the Board of Directors, the agency shall  
(Agency Board/Director)  
make and retain a copy and forward the original of these statements to the County of Monterey.  
(place where statements are to be filed)  
Statements for all other designated employees will be retained by the agency.

Amend 2 Cal. Code of Regs. Section 18730 to read:

18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a ~~€~~conflict of ~~€~~interest ~~€~~code within the meaning of Government Code Section 87300 or the amendment of a ~~€~~conflict of ~~€~~interest ~~€~~code within the meaning of Government Code Section 87307~~6~~ if the terms of this regulation are substituted for terms of a ~~€~~conflict of ~~€~~interest ~~€~~code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a ~~€~~conflict of ~~€~~interest ~~€~~code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a ~~€~~conflict of ~~€~~interest ~~€~~code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are

incorporated by reference into this ~~Conflict~~ of ~~Interest~~ ~~Code~~.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories.

This ~~Code~~ does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this ~~Code~~ in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.<sup>1</sup> Such persons are covered by this ~~Code~~ for disqualification purposes only. With respect to all other designated employees, the disclosure categories

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<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's ~~Conflict of Interest~~ ~~Code~~, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests:  
Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests:  
Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing

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<sup>2</sup> See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

body, shall file statements within ~~thirty~~ 30 days after the effective date of this Code.

Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within ~~thirty~~ 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this Code shall file statements within ~~thirty~~ 30 days after assuming the designated positions, or if subject to State Senate confirmation, ~~thirty~~ 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within ~~thirty~~ 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign 30 Days After Appointment.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their

appointment. Such persons shall not file either an assuming or leaving office statement.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the ~~code~~ and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the



period covered by an employee's first annual statement shall begin on the effective date of the Ccode or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

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<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value or fifty dollars (\$50) or more in value if the income

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<sup>5</sup> A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.



was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

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<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within ~~twelve~~ 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(8.3) Section 8.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(8.5) Section 8.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of Section 8, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the

state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(9) Section 9. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in



the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(10) Section 10. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(11) Section 11. Violations.

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

AUTHORITY: Section 83112, Gov. Code  
REFERENCE: Sections 87300, 87302, Gov. Code

## APPENDIX A - Designated Employees

The following "designated employees" are required to file Statements of Economic Interests in accordance with the provisions of this code and the requirements of the Political Reform Act (Government Code Sections 81000-91015).

<u>Position</u>	<u>Disclosure Category</u>
Members of the Board	1
General Manager	1
General Counsel	1
Consultants*	1 or as designated*

\*Consultants to the 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 District'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 730.)

## APPENDIX B - Disclosure Categories

Category 1 - Designated employees who are assigned this disclosure category must disclose all sources of income, including gifts and loans, situated in or doing business in the jurisdiction of the District, or which have done business in the jurisdiction within the preceding two years or which plan to do business in the jurisdiction in the future. Income disclosure must also include reportable sources of income to any business entity in which the designated employee owns a 10% or greater interest, if the interest is worth at least \$1,000. The term "income" is defined in Government Code Section 82030; the definition is incorporated

herein by reference.

Designated employees who are assigned this disclosure category must also disclose all investments of \$1,000 or more in any business entity, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time a statement is filed under this code. The term "investment" is defined in Government Code Section 82034; the definition is incorporated herein by reference.

Designated employees who are assigned this disclosure category must also disclose all interests in real property worth \$1,000 or more which are located within the jurisdiction of the District or within a two-mile radius extending around the boundaries of the District. The term "interest in real property" is defined in Government Code Section 82033; the definition is incorporated herein by reference.

MONTEREY PENINSULA REGIONAL PARK DISTRICT  
RESOLUTION #90-09  
JULY 9, 1990

AMENDING THE CONFLICT OF INTEREST CODE FOR THE  
MONTEREY PENINSULA REGIONAL PARK DISTRICT

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WHEREAS, the Monterey Peninsula Regional Park District, pursuant to California Political Reform Act, Government Code Sections 81000, et seq., on November 11, 1966, through Resolution No. 76-16 adopted a Conflict of Interest Code, and subsequently amended said Code through Resolution No. 86-2 adopted April 7, 1986; and

WHEREAS, the Monterey Peninsula Regional Park District desires to further amend said Code to bring said Code into full compliance with the current law,

NOW THEREFORE, be it resolved that the Monterey Peninsula Regional Park District Conflict of Interest Code amends Appendix A - Designated Employees, to include the positions of District Counsel and "Consultant," and amends Appendix B - Disclosure Categories, by rewording said Appendix to clarify it and make it more comprehensive. The Revised Monterey Peninsula Regional Park District Conflict of Interest Code is attached to this Resolution and incorporated herein by reference.

PASSED AND ADOPTED THIS 9TH DAY OF JULY, 1990

AYES: Directors R. Griffin, P. Hutchins, Z. Leavy, and D. Stansbury

NOES: None

ABSENT: Director S. Flavin



Robyn Buechel  
Secretary to the Board of  
Directors



Patricia Hutchins, President

D1009027.MTS  
Conflict of Interest  
Code - District

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

Resolution No. 90-569 --- )  
Amending Conflict of Interest Code )  
of the MONTEREY PENINSULA REGIONAL )  
PARK DISTRICT . . . . . )

**ORDER**

Pursuant to section 87306 of the Government Code, a part of the Political Reform Act of 1974, the MONTEREY PENINSULA REGIONAL PARK DISTRICT has requested the Board of Supervisors of Monterey County, as code reviewing body, to approve proposed amendments to the Conflict of Interest Code of said Park District which is necessitated by changed circumstances and by the addition of designated positions covered by its code.

The proposed amendments as set forth in the Conflict of Interest Code of the MONTEREY PENINSULA REGIONAL PARK DISTRICT, amended July 9, 1990, a copy of which is on file with the Clerk of the Board, are hereby approved by the Board of Supervisors of Monterey County.

Clerk of the Board of Supervisors is hereby directed to notify the MONTEREY PENINSULA REGIONAL PARK DISTRICT of the action taken herein.

Upon motion of Supervisor Strasser Kauffman, seconded by Supervisor Perkins, the foregoing order was passed and adopted this 9th day of October, 1990, by the following vote:

AYES: Supervisors Del Piero, Shipnuck, Perkins, Karas & Strasser Kauffman.

NOES: None.

ABSENT: None.

Sam P. Karas  
Chairman of the Monterey County  
Board of Supervisors

I, ERNEST K. MORISHITA, 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 at page --- of Minute Book 64, on Oct. 9, 1990  
Dated: Oct. 9, 1990

ERNEST K. MORISHITA, Clerk of the Board  
of Supervisors, County of Monterey,  
State of California.

By Ann Arri  
Deputy

cc: Co Co  
Monterey Pen Reg  
Park Dist



Report to the Monterey County Board of Supervisors

<b>SUBJECT</b>		<b>BOARD MEETING DATE</b>	<b>AGENDA</b>
APPROVAL OF AMENDMENTS TO CONFLICT OF CODE OF THE MONTEREY PENINSULA REGIONAL PARK DISTRICT		Oct. 9, 1990	27 CONSENT
<b>DEPARTMENT</b>	<b>COUNTY COUNSEL</b>		

**RECOMMENDATION:**

It is recommended that the Board of Supervisors, as code reviewing body, approve and order the proposed amendments to the current Conflict of Interest Code of the Monterey Peninsula Regional Park District ("Park District").

**SUMMARY:**

The amendments, which were approved by the Board of Directors of the Park District on July 9, 1990, by Resolution #90-09, reflect (1) inclusion of District Counsel and "Consultants" to Appendix A - Designated Employees and (2) rewording Appendix B - Disclosure Categories to clarify it and make it more comprehensive.

**DISCUSSION:**

Amendments to local agency conflict of interest codes are authorized by {87306 of the Government Code whenever changes are required by changed circumstances, by creation or deletion of designated positions, or by changes in the duties of such positions. By memorandum dated September 6, 1990, the Fair Political Practices Commission advised all interested parties that agencies may use a specialized disclosure category for consultants that provides that the required disclosure shall be determined on a case-by-case basis by the executive officer of the agency. The proposed amendments are lawful under the Political Reform Act of 1974, as amended.

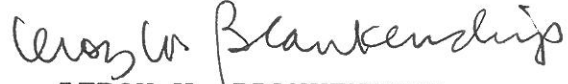
**OTHER AGENCY INVOLVEMENT:**

No other agency involvement exists.

Report to the Monterey County Board of Supervisors

**FINANCING:**

There is no fiscal impact upon the County of Monterey as a result of the proposed amendments to the Park District's Conflict of Interest Code.



LEROY W. BLANKENSHIP  
Deputy County Counsel

**APPROVED:**



RALPH R. KUCHLER  
County Counsel

LB/

Attachment

cc: Mr. Gary A. Tate, District Manager, Monterey Peninsula  
Regional Park District  
Mrs. Anne D. McGowan, District Counsel