



Monterey County Board of Supervisors

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

Board Order

Resolution No. 19-005

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

Adopted Resolution No. 19-005 to revise and approve amendments to the Conflict of Interest Code of the Monterey Regional Waste Management District.

PASSED AND ADOPTED on this 15th day of January 2019, by the following vote, to wit:

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

NOES: None

ABSENT: None

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 81 for the meeting January 15, 2019.

Dated: January 18, 2019
File ID: RES 18-173

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. 19-005

Resolution revising and approving the Amended)
Conflict of Interest Code of the Monterey Regional)
Waste Management District)

WHEREAS, pursuant to Government Code sections 87300 and 87301, the Monterey Regional Waste Management District has adopted a Conflict of Interest Code;

WHEREAS, pursuant to Government Code section 87306, the Monterey Regional Waste Management District amended its Conflict of Interest Code as necessitated by changed circumstances;

WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, the Monterey Regional Waste Management District submitted its amended Code to the Monterey County Board of Supervisors, the code reviewing body pursuant to the Political Reform Act, for approval;

WHEREAS, the amended Conflict of Interest Code of the Monterey Regional Waste Management 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, 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, Monterey County Counsel has recommended that the amended code be revised as set forth in the Memorandum attached as Attachment B and incorporated herein by reference;

WHEREAS, the amended Code, revised as set forth in the attached Memorandum, is lawful under the Political Reform Act of 1974;

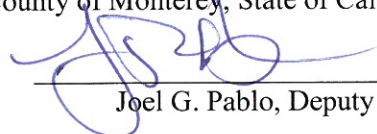
NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby revise the proposed code as set forth in the attached Memorandum of County Counsel and does hereby approve the Amended Conflict of Interest Code of the Monterey Regional Waste Management District, as so revised, attached hereto as Attachments A and B, and directs the Clerk of the Board of Supervisors to notify the Monterey Regional Waste Management District of the revision and approval.

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams
NOES: None
ABSENT: None

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 81 for the meeting January 15, 2019.

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County of Monterey, State of California


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**CONFLICT OF INTEREST CODE
OF THE
MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT**

1. Adoption by Incorporation. The Political Reform Act of 1974, Government Code §§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 §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 §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 Regional Waste Management District (“District”).

2. Filing of Statements. Pursuant to 2 California Code of Regulations §18730(b)(4), all designated employees shall file statements of economic interests with the District. Upon adoption of this Conflict of Interest Code, the Board Secretary shall advise all persons holding designated positions who have not previously been required to file disclosure statements that an initial statement must be filed within thirty days of this Conflict of Interest Code. Upon receipt of the statements of the District Board of Directors, the District 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 the District.

EXHIBIT A: Designated Positions

<u>List of Designated Positions</u>	<u>Assigned Disclosure Category</u>
District Board of Directors	1
General Manager	1
Director of Engineering & Compliance/District Engineer	1
Director of Finance & Administration	1
Director of Communications & Sustainability	1
Director of Operations	1
Equipment Maintenance Manager	2
Accounting Manager	1
Assistant Accounting Manager	1
Human Resources Manager	1
Last Chance Mercantile/Hazardous Materials Manager	2
Materials Recovery Facility Manager	2
Assistant Materials Recovery Facility Manager	2
Safety & Risk Manager	2
Senior Engineer	2
Site Operations & Facilities Manager	2
Legal Counsel	1
Consultants*	1

*For purposes of this Code “Consultant” has the same meaning as set forth in 2 Cal. Code of Regs. section 18700(a)(1), 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 regulations;
 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 part 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 District shall be subject to disclosure under Category 1, subject to the following limitation:

The District 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 not required to fully comply with the disclosure requirements of Category 1. In such cases, the District 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 District 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 700).

EXHIBIT B: Disclosure Categories

General Provisions:

When a member, officer, or employee who holds a designated position is required to disclose investments, sources of income, or financial interests, he or she shall disclose such investments, sources of income, or financial interests, in business entities which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two 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 miles outside of the boundaries of the jurisdiction, or within two miles of any land owned or used by the District.

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 years.

For purpose of this Conflict of Interest Code, the jurisdiction of the District is that area within the boundaries of the member entities of the Monterey Regional Waste Management 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;
- (c) His or her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

Disclosure Category 2:

A member, officer, or employee holding a position assigned to Disclosure Category 2 shall, in the manner described above, report:

- (a) All investments, business positions, sources of income, and financial interests of any type of, or in, business entities which provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

MONTEREY COUNTY



OFFICE OF THE COUNTY COUNSEL

CHARLES J. MCKEE, COUNTY COUNSEL

MEMORANDUM

DATE: December 20, 2018

TO: Chair Phillips and Members of the Monterey County Board of Supervisors

FROM: Rebecca M. Ceniceros, Deputy County Counsel

SUBJECT: Monterey Regional Waste Management District Conflict of Interest Code

Government Code section 87303(b) provides that the Board, as the code reviewing body for local agencies, may revise a proposed Conflict of Interest Code and approve it, as revised. The Monterey Regional Waste Management District has submitted an amended Conflict of Interest Code to the Board for review.

County Counsel recommends that the Board revise this Conflict of Interest Code to incorporate the definition of consultants set forth in Title 2 of the California Code of Regulations, section 18700.3(a), into the Conflict of Interest Code.

County Counsel recommends that the Board revise this Conflict of Interest Code to incorporate the statement that the jurisdiction of the Monterey Regional Waste Management District is entirely within the boundaries of Monterey County, thereby establishing that the Board is the appropriate code reviewing body under the Political Reform Act.

County Counsel recommends that the Board approve the proposed Conflict of Interest Code for the Monterey Regional Waste Management District as so revised.

CHARLES J. MCKEE, County Counsel

By

Rebecca M. Ceniceros
Deputy County Counsel