

CONFLICT OF INTEREST CODE

of the

SALINAS VALLEY BASIN GROUNDWATER SUSTAINABILITY AGENCY

Adopted November 9, 2017

(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 a 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 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the Appendix attached thereto 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 Salinas Valley Basin Groundwater Sustainability Agency (“Agency”).

(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 statement of the Board members and their alternates, the Agency shall make and retain a copy and forward the original of the statement to the code reviewing body, which is 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.

Designated Positions

List of Designated Positions	Assigned Disclosure Categories
Primary Directors and Alternates	1
Executive Director/General Manager	1
Agency Counsel	1
Treasurer	1
Auditor	1
Consultants ¹	1

Disclosure Categories

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General Provisions

When a Director, whether Primary or Alternate, or 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 of the Agency, 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 within the jurisdiction if it owns real property within the jurisdiction.

When a Director, whether Primary or Alternate, 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 Director, whether Primary or Alternate, 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 the boundaries of the Agency's jurisdiction, or within two miles of any land owned or used by the Agency.

When a Director, whether Primary or Alternate, officer, or employee who holds a designated position is required to disclose a business position, he or she shall disclose positions in business entities that do business in the jurisdiction of the Agency, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years.

For purposes of this Conflict of Interest Code, the jurisdiction of the Agency is the boundaries of the Salinas Valley Groundwater Basin within the boundaries of Monterey County.

Disclosure Category 1:

A Director, whether Primary or Alternate, officer or employee holding a position assigned to Disclosure Category 1 shall, in the manner described above, report all interests in real property which are located within the jurisdiction of the Agency, and all investments, business positions in business entities, and sources of income, including gifts, loans, and travel payments from, business entities of the type that contract with or provide services, goods, machinery, equipment, or supplies utilized, purchased, or leased by the Agency.

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Amended:

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) 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 that requires agency approval;
5. Grant agency approval to a contract that requires agency approval and to 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 participates in making a governmental decision as defined in Regulation 187022 or 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 under Government Code Section 87302.

Consultants to the Agency shall be subject to disclosure under Category 1, subject to the following limitation:

The Agency 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

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not required to fully comply with the disclosure requirements of Category 1. In such cases, the Agency 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 Agency'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).