



Monterey County Board of Supervisors

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

Board Order

Resolution No. 18-372

Upon motion of Supervisor John M. Phillips, seconded by Supervisor Simón Salinas and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 18-372 to approve the Conflict of Interest Code of the Moss Landing Harbor District.

PASSED AND ADOPTED on this 6th day of November 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Salinas, Phillips, 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 November 6, 2018.


Dated: November 6, 2018
File ID: RES 18-150

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



Joel G. Pablo, Deputy

Resolution approving the Conflict of Interest)
Code of the Moss Landing Harbor District)
)


Joel G. Pablo, Deputy

REVISED BOARD ORDER: Tuesday, November 13, 2018

ORDINANCE 203

AN ORDINANCE OF THE MOSS LANDING HARBOR DISTRICT BOARD OF HARBOR COMMISSIONERS DELETING SECTION 3.200-CONFLICT OF INTEREST CODE OF THE MOSS LANDING HARBOR DISTRICT ORDINANCE CODE

WHEREAS, the Moss Landing Harbor District ("District"), by way of Ordinance No. 147, has previously adopted a Conflict of Interest Code; and

WHEREAS, the District's General Manager and District Counsel have determined that for purposes of clarification and improved organization, as well as ease of amendment, the Conflict of Interest Code should be removed from the Ordinance Code and made a separate document; and

WHEREAS, the District is processing a Resolution adopting a new Conflict of Interest Code simultaneously with this Ordinance.

NOW THEREFORE, the Board of Harbor Commissioners of the Moss Landing Harbor District ordains as follows:

Section 1.

Section 3.200 - Conflict of Interest Code of Chapter 3 - Administration and Personnel of the Moss Landing Ordinance Code is hereby deleted in its entirety.

Section 2.

The Board of Commissioners finds that the approval of this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") because it is not a "project" pursuant to CEQA Guidelines Section 15061(b)(3) and has no potential for causing a significant effect on the environment.

Section 3

This Ordinance shall become effective immediately upon adoption by the Board of Harbor Commissioners.

Certification

Ordinance 203 was introduced at a regular meeting of the Board of Harbor Commissioners of said District, duly held on the 26th day of September, 2018.

Ordinance 203 was adopted at the regular scheduled meeting of said Board duly held on the 26th day of September, 2018 at Moss Landing, CA, by the following vote:

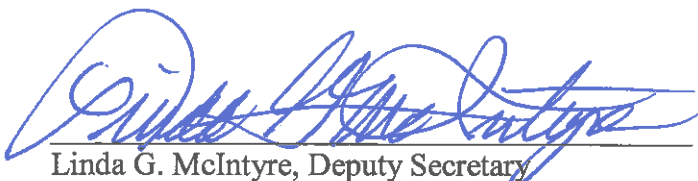
AYES: Commissioners Jeffries, Leonardini and Goulart

NOES:

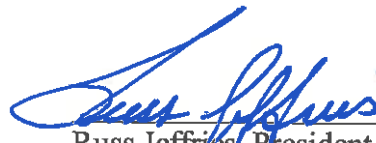
ABSTAIN:

ABSENT: Commissioners Ferrante and Shirrel

ATTEST:



Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners



Russ Jeffries, President
Board of Harbor Commissioners

RESOLUTION NO. 18-14

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE MOSS LANDING HARBOR DISTRICT

WHEREAS, the Political Reform Act, Government Code sections 81000, et seq., requires every State and local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Moss Landing Harbor District ("District"), by way of Ordinance No. 147, has previously adopted a Conflict of Interest Code incorporating restrictions and regulations set forth in 2 Cal. Code of Regulations, sections 18109 et seq., and has identified those District positions charged with the responsibility of filing economic interest statements; and

WHEREAS, although the Code has been reviewed biennially since its adoption in 1997 with little or no amendment, the General Manager and District Counsel have determined that the entire Code needs to be revised and reformatted for purposes of clarification and improved organization, and to more clearly identify affected staff and relevant disclosure categories; and

WHEREAS, the General Manager/District Clerk is required to file the 2018 Local Agency Biennial Notice with the Monterey County Board of Supervisors reflecting the necessary changes.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

- 1) A copy of the District's "2018 Local Agency Biennial Notice" is attached hereto as Exhibit "A."
- 2) The terms, restrictions and regulations set forth at 2 Cal. Code of Regulations section 18109, et seq., including but not limited to the sample Conflict of Interest Code provisions contained in section 18730, along with the attached Appendices A and B, all of which are attached hereto as Exhibit "B" and by this reference incorporated herein, by which officials are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Moss Landing Harbor District. In enacting this Resolution, the Board of Commissioners hereby rescinds previous resolutions concerning the District's Conflict of Interest Code.
- 3) All persons holding designated positions identified in new Appendix A shall file statements of economic interest pursuant to the Conflict of Interest Code.

CERTIFICATION

Resolution 18-14 was duly passed and adopted by the Board of Harbor Commissioners of the Moss Landing Harbor District at a duly noticed meeting of the Board held on the 26th day of September, 2018 a quorum present and acting throughout, by the following vote:

AYES: Commissioners Jeffries, Leonardini and Goulart

NOES:

ABSTAIN:

ABSENT: Commissioners Ferrante and Shirrel

Attest:



Russ Jeffries, President
Board of Harbor Commissioners



Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners

2018 Local Agency Biennial Notice

Name of Agency: MOSS LANDING HARBOR DISTRICT

Mailing Address: 7881 Sandholdt Road, Moss Landing, CA 95039

Contact Person: Linda G. McIntyre Phone No. 831.633.5417

Email: mcintyre@mosslandingharbor.dst.ca.us Alternate Email: razzeca@mosslandingharbor.dst.ca.us

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☐ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☐ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) _____

☒ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.


Signature of Chief Executive Officer

September 27, 2018

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2018**, or by the date specified by your agency, if earlier, to:

Monterey County Clerk of the Board
P.O. Box 1728, Salinas, CA 93902

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

FPPC Advice: www.fppc.ca.gov
advice@fppc.ca.gov (866.275.3772)

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EXHIBIT B

CONFLICT OF INTEREST CODE OF THE MOSS LANDING HARBOR DISTRICT

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 the California Code of Regulations, which contains the terms of a standard conflict of interest code that can be incorporated by reference in an agency's code. After public notice and hearing, the Fair Political Practices Commission may amend the standard code to conform to amendments of the Political Reform Act. Therefore, the terms of section 18730 of Title 2 of the California Code of Regulations and any amendments to it duly adopted by the Fair Political Practices Commission together with the attached Appendices designating positions and establishing disclosure categories are hereby incorporated and together constitute the Conflict of Interest Code of the Moss Landing Harbor District.

Individuals holding designated positions shall file their statements of economic interest with the District, which shall make the statements available for public inspection and reproduction pursuant to Government Code section 81008. Upon receipt of the statements for General Manager, Board of Commissioners, and District Counsel, the District shall make and retain copies and forward the original of the statements to the Monterey Board of Supervisors. Statements for all other designated positions shall be retained by the Moss Landing Harbor District.

Attachments:

- Appendix A: Designated Positions
- Appendix B: Disclosure Categories

Adopted:

Amended:

APPENDIX A

Designated Positions

Disclosure Category

General Manager
Consultants*

CAT -01
CAT-01

* The definition of "Consultant" contained in 2 Cal. Code of Regs., Title 2, Section 18700.3(a), and any amendment to said section duly adopted by the Fair Political Practices Commission, is incorporated herein by reference.

With respect to Consultants, the General Manager may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus not required to comply with the disclosure requirements described in these categories. Such 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 shall forward a copy of this determination to the Fair Political Practices Commission. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

** It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200:

Commission Members
General Manager
District Counsel

APPENDIX B

General Provisions

When a designated employee is required to disclose investments and sources of income, s/he need only 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 years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property. When a designated employee is required to disclose interests in real property, s/he need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix A.

Disclosure Categories:

- CAT-01 All interests in real property in the local jurisdiction, as well as investments, business positions and sources of income (including gifts, loans and travel payments).
- CAT-02 All investments, business positions and sources of income (including gifts, loans and travel payments).
- CAT-03 All interest in real property in the local jurisdiction.