

# DRAFT



**EXHIBIT 2-B**

## RESOLUTION NO. 2017-06

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING THE MPWMD CONFLICT OF INTEREST CODE**

**WHEREAS** the Monterey Peninsula Water Management District (MPWMD) Conflict of Interest Code was last amended in October 2016; and

**WHEREAS** in February 2017, the office of Monterey County Counsel requested that additional amendments be made to the Conflict of Interest Code and forwarded to the Monterey County Board of Supervisors for approval; and

**WHEREAS**, the MPWMD Board of Directors has reviewed its Conflict of Interest Code and concluded that it should be amended per the request of Monterey County Counsel as follows. (A) Include a statement that the Monterey Peninsula Water Management District's jurisdiction is wholly within the County of Monterey, thereby establishing that the Monterey County Board of Supervisors is the appropriate code reviewing body. (B) Incorporate the definition of consultants set forth in Title 2 of the California Code of Regulations, section 18700.3(a). The amended code is provided as **Attachment 1**.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Directors of the Monterey Peninsula Water Management District that the MPWMD Conflict of Interest Code shall be amended as provided in **Attachment 1**, and forwarded to the Monterey County Board of Supervisors.

On a motion by Director \_\_\_\_\_ and seconded by Director \_\_\_\_\_ the foregoing resolution is duly adopted this 19th day of April 2017 by the following votes:

Ayes:

Nays:

Absent:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 19th day of April 2017.

Witness my hand and seal of the Board of Directors this \_\_\_\_ day of April 2017.

\_\_\_\_\_  
David J. Stoldt  
Secretary to the Board

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**Attachment 1 to MPWMD Resolution 2017-06**

**CONFLICT OF INTEREST CODE  
OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**

*Amended by Resolution 2017-06 on April 19, 2017*

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 by reference and together constitute the Conflict of Interest Code of the Monterey Peninsula Water Management District (hereafter "District").

Individuals holding designated positions shall file their statement of economic interests with the District Secretary which will make the statements available for public inspection and reproduction pursuant to Government Code section 81008. The Monterey Peninsula Water Management District's jurisdiction is wholly within the County of Monterey. Upon receipt of the statements for positions listed in Appendix A, the District shall make and retain copies and forward the original of the statements to the code reviewing body, the Monterey County Board of Supervisors, by providing the documents to the office of the Monterey County Clerk to the Board. Statements for all other designated positions shall be retained by the District.

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

Amended: 1979, 1983, 1986, 1979, 2006, 2013, 2016 and 2017

## APPENDIX A: DESIGNATED POSITIONS

<u>Designated Positions<sup>1</sup></u>	<u>Assigned Disclosure Category</u>
Board of Directors	1
General Manager	1
District Counsel	1
Administrative Services Manager	1
Water Demand Division Manager	1
Water Resources and Engineering Division Manager	1

### Consultants

For purposes of this Code, “consultant” has the same meaning as set forth in 2 Cal. Code Regs., tit. 2, section 18700.3(a) as follows:

(a) For purposes of Sections 82019 and 82048, “consultant” means an individual who, pursuant to a contract with a state or local government agency:

(1) Makes a governmental decision whether to:

- (A) Approve a rate, rule, or regulation;
- (B) Adopt or enforce a law;
- (C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
- (D) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
- (E) 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;
- (F) Grant agency approval to a plan, design, report, study, or similar item;
- (G) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(2) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in Regulation 18704(a) and (b) 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 Section 87302.

Consultants to the District shall be subject to disclosure under Category 1, subject to the following limitation: The General Manager of the District may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements of Category 1. In such cases, the General Manager of the District may designate a different disclosure requirement. Such determination must be made in

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<sup>1</sup> Public officials who manage public investments are not covered by the Conflict of Interest Code because they must file a statement of economic interests pursuant to Government Code section 87200. Therefore, those positions are listed below for information purposes only.

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. Such determination by the General Manager of the District is a public record and shall be retained for public inspection in the same manner and location as the District's Conflict of Interest Code.

## **APPENDIX B: DISCLOSURE CATEGORIES**

### General Provisions Applicable to All Categories

When an individual 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 years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When an individual who holds a designated position is required to disclose sources of income, he or she shall include gifts received from donors located inside as well as outside the jurisdiction.

When an individual 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 within the jurisdiction, or not more than two miles outside the boundaries of the jurisdiction, or within two miles of any land owned or used by District.

When an individual who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in the jurisdiction, 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 Monterey Peninsula Water Management District is the area of the County of Monterey within the District boundaries as described in West's Annotated California Codes, Water Code, Appendix Section 118.

### Category 1

A designated position in this category must report all investments, business positions, interests in real property, and sources of income, including gifts, loans, and travel payments.

### Category 2

A designated position in this category must report all investments, business positions, and sources of income, including gifts, loans, and travel payments.

### Category 3

A designated position in this category must report all interests in real property.

### Category 4

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources that are subject to the

regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the District.

Category 5

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to supply materials, products, supplies, commodities, services, machinery, vehicles, or equipment utilized by the District.

Category 6

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to receive grants or other monies from or through the District.