



Midpeninsula Regional
Open Space District

R-14-137
Meeting 14-32
December 10, 2014

AGENDA ITEM 4

AGENDA ITEM

Amendments to the District's Conflict of Interest Code

GENERAL MANAGER'S RECOMMENDATION

A handwritten signature in black ink, appearing to be "J. G. G.", written over the printed text of the General Manager's Recommendation.

Adopt a Resolution amending the District's Conflict of Interest Code.

SUMMARY & DISCUSSION

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if the Code is accurate, or alternatively, that the Code must be amended. An amendment would be necessary to include new positions which have either been added or deleted in the District's classification plan, revise titles of existing positions or revise disclosure categories.

The District's Conflict of Interest Code was last amended on October 24, 2012. Consistent with requirements for the Political Reform Act, the District conducted a biennial review of its Conflict of Interest Code and submitted a notice to its code reviewing body, the Fair Political Practices Commission (FPPC), that an amendment is necessary.

The proposed amendments to the Code are as follows:

- Add the new position title of "Contingent Project Manager."
- Eliminate the Senior Administrative Assistant position, which is currently included in the Code, but does not participate in making governmental decisions that may foreseeably have a material effect on any financial interest.

In accordance with the FPPC regulations, the District's Notice of Intention to amend its Conflict of Interest Code has been posted for at least 45 days prior to tonight's Public Hearing on the matter. The review period provides officers, employees, and members of the public an opportunity to present their views. As of the writing of this report, the District Clerk has received no public or staff comments regarding the proposed changes. A complete copy of the proposed amended Conflict of Interest Code is attached for your review.

FISCAL IMPACT

There is no fiscal or budgetary impact to adoption of the Conflict of Interest Code.

BOARD COMMITTEE REVIEW

Board Committee review is not required for amendment of the District's Conflict of Interest Code as it is reviewed by the FPPC for compliance with the Political Reform Act.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Copies of this report were provided to staff members in position affected by revisions to the disclosure list.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If approved by the Board, staff will transmit the proposed amendments to the District's Code to the FPPC for final review and approval. Once approved by the FPPC, staff will implement the amended Code.

Attachments

1. Proposed Amended Conflict of Interest Code
2. Resolution Amending Conflict of Interest Code

Responsible Department Head:
Stephen E. Abbors, General Manager

Prepared by:
Jennifer Woodworth, District Clerk



Midpeninsula Regional
Open Space District

CONFLICT-OF-INTEREST CODE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

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 California Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendment to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Midpeninsula Regional Open Space District (District)**.

Individuals holding designated positions shall file their statements with the **District**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the **District**.

CONFLICT-OF-INTEREST CODE FOR THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

APPENDIX A- DESIGNATED POSITIONS

Designated Positions	Assigned Disclosure Categories
Accountant	2
Administrative Services Manager	2
Area Superintendent	1, 2
Assistant General Counsel (All Levels)	1, 2
Assistant General Manager	1, 2
Board Members	1, 2
Contingent Project Manager	2
District Clerk	2
Docent Program Manager	3
Executive Assistant	2
General Counsel	1, 2
General Manager	1, 2
GIS Administrator	1, 2,
Human Resources Supervisor	3
Information Technology Administrator	3
Maintenance, Construction and Resource Supervisor	2
Management Analyst (All Levels)	2
Media Communications Supervisor	2
Natural Resources Manager	3
Operations Manager	1, 2
Planner (All Levels)	1, 2
Planning Manager	1, 2
Public Affairs Manager	1, 2
Public Affairs Specialist	2
Real Property Manager	2
Real Property Specialist	1, 2
Resource Management Specialist (All Levels)	1, 2
Senior Administrative Assistant	2
Senior Management Analyst	1, 2
Senior Planner	1, 2
Supervising Ranger	1, 2
Training and Safety Specialist	3
Volunteer Program Manager	3
Website Administrator	3
Consultants/New Positions	*

*Consultants and new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The General Manager may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

The following positions are NOT covered by the conflict-of-interest code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

- Controller

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

**CONFLICT-OF-INTEREST CODE FOR THE
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

APPENDIX B-DISCLOSURE CATEGORIES

Category 1 – Interests in real property are reportable interests if:

The real property to which the interest pertains is located in whole or in part within the District’s boundaries or sphere of influence, or within two miles of the District’s boundaries or sphere of influence, or within two miles of any land owned by the District. (A residence used solely for personal purposes is not reportable pursuant to Gov. Code Section 87206.)

Category 2

A. Income (including the receipt of gifts, loans, and travel payments), investments, and business positions:

1. In any business entity engaged in business within the District and which is of the type that has contracted with the District to provide employee testing or training, professional services, consulting services, financial services, other services, supplies, materials, machinery, books, uniforms, publications, equipment, vehicles or insurance.
2. In any business entity that engages in the design, planning, engineering, construction, materials supply or project management of private or public construction projects with the District.
3. In any business entity that engages in the business of brokerage, acquisition, leasing, marketing or disposal of real property within the District.
4. In any business entity that engages in the preparation of reports, surveys, evaluations or investigations of the type used by the District, including environmental documents such as Environmental Impact Reports, real property appraisals, land surveys, environmental assessments, hazardous waste investigations, percolation evaluations, engineering reports, biological assessments, geologic or hydrologic evaluations, or evaluation of the physical condition of real property.

Category 3

Investments and business positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from sources of the type for which the employee’s division has purchasing authority.

RESOLUTION 14-___

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
AMENDING CONFLICT OF INTEREST CODE**

WHEREAS, by Resolution No. 12-41, the Board of Directors of the Midpeninsula Regional Open Space District adopted a Conflict of Interest Code pursuant to the Political Reform Act of 1974; and

WHEREAS, Government Code Section 87306.5 requires a biennial review of the District’s Conflict of Interest Code; and

WHEREAS, the District, in accordance with the California Fair Political Practices Commission Regulation 18750.1 (Title 2 California Code of Regulations Section 18750.1), has prepared code amendments, noticed affected staff members and the public of its intent to amend the code, and conducted a public hearing to consider the amendments.

NOW, THEREFORE, the Board of Directors of the Midpeninsula Regional Open Space District does hereby resolve to repeal Resolution No. 12-41 and adopt the amended Conflict of Interest Code as contained herein, to be effective on the thirtieth (30) day following approval of the District’s amended code by the Fair Political Practices Commission.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2014, at a special meeting thereof, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

District Clerk