

RESOLUTION NO. 04-05-23

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PAJARO/SUNNY MESA COMMUNITY SERVICES DISTRICT (P/SMCSD) RE-ADOPTING CONFLICT OF INTEREST CODE FOR P/SM CSD BY INCORPORATING BY REFERENCE THE CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION'S MODEL CONFLICT OF INTEREST CODE AND BY AMENDING THE TABLE OF DESIGNATED EMPLOYEES WHO SHALL BE SUBJECT TO THE CONFLICT-OF-INTEREST CODE

WHEREAS the P/SMCSD) last adopted a Conflict-of-Interest Code for designated employees as required by the Political Reform Act, Government Code Section 81000, et seq. by motion on/or about July 17, 2014, and

WHEREAS, the California Fair Political Practices Commission promulgated a recommended Model Conflict of Interest Code found at Title 2, Division 6, Chapter 7. Article 2 of the California Code of Regulations, Section 18730, which may be incorporated by reference by local government, and which will be amended from time to time to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission pursuant to the Administrative Procedure Act, Government Code Sections 11370, et seq; and

WHEREAS the positions in Table 1 below are those job titles which should be designated and the categories of financial interests which should be made reportable. Table 1 accurately identifies job classifications in the District; and

WHEREAS the attached P/SMCSD Conflict of Interest Code, *Exhibit "A,"* is the latest version of 2 CCR §18730 in effect as of the date this Resolution is adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PAJARO/SUNNY MESA COMMUNITY SERVICES DISTRICT, AS FOLLOWS:

1. That the model conflict of interest code in 2 California Code of Regulations Section 18730 [2 CCR 18730] and any amendments to it duly adopted by the Fair Political Practices Commission is the Conflict-of-Interest Code of the P/SMCSD.

2. That the following persons are hereby instructed to file statements of economic interests (FPPC Form 700) pursuant to Section 4 of the Conflict-of-Interest Code.

Table 1.: Designated Positions	
Designated Employee	Disclosure Class
Board of Directors	A-1 and A-2, B, C, D, E
General Manager	A-1 and A-2, B, C, D, E
General Counsel	A-1 and A-2, B, C, D, E
Manager of Operations	A-1 and A-2, B, C, D, E
Consultants ¹	A-1 and A-2, B, C, D, E

¹ § 18700.3. **Consultant, Public Official Who Manages Public Investments: Definitions.**

- (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.
- (b) For purposes of Section 87200, the following definitions apply:
- (1) "Other public officials who manage public investments" means:
 - (A) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;
 - (B) High-level officers and employees of public agencies who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and
 - (C) Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in subdivision (b)(1)(B).
 - (c) "Public investments" means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.
 - (d) "Public moneys" means all moneys belonging to, received by, or held by, the state, or any city, county, town, district, or public agency therein, or by an officer thereof acting in the officer's official capacity, and includes the proceeds of all bonds and other evidences of indebtedness, trust funds held by public pension and retirement systems, deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which a public agency is a party.
 - (e) "Management of public investments" means the following non-ministerial functions: directing the investment of public moneys; formulating or approving investment policies; approving or establishing guidelines for asset allocations; or approving investment transactions.

3. All persons identified herein shall file a "Statement of Economic Interests"

(FPPC Form 700) for each Disclosure Category being all of:

- Schedule A-1-Investments; Stocks, Bonds and Other Interests
- Schedule A-2-Investments, Income, and Assets of Business Entities/Trusts
- Schedule B-Interests in Real Property
- Schedule C-Income, Loans, and Business Positions
- Schedule D-Income-Gifts
- Schedule E-Income-Gifts: Travel Payments, Advances, and Reimbursements

The economic interest to be disclosed for each disclosure category shall: (1) being or doing business within the geographical jurisdiction or service area of the District; and/or (2) is such a kind of economic interest which the employee foreseeably can affect in a material way through the conduct or operation of such employee's office with the District.

4. That all designated persons are hereby directed to file their statements with the County Clerk to whom this Board hereby designates authority to carry out the duties of filing officer.

5. That the Filing Officer is hereby directed to make the statements of economic interests available for public inspection and reproduction no later than the second business day following the day the request was received, pursuant to California Government Code Section 81008.

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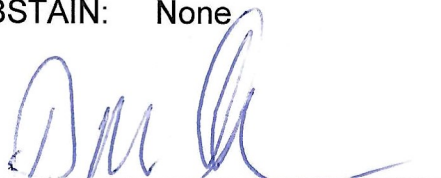
PASS AND ADOPTED by the Board this 27th of April 2023, upon motion of Director Miller, seconded by Director Coplin, and carried by the following vote, to wit:

AYES: D. Olsen; S. Coplin; C. Miller; D. Chesterman

NOES: None

ABSENT: P. Anderson

ABSTAIN: None



President of the Board of Directors

CERTIFICATE OF SECRETARY

I, Don Rosa, as the duly elected Secretary of the Board of Directors of the Pajaro/Sunny Mesa Community Services District, Monterey County, California, do hereby certify that the above resolution is a full, true and correct copy of said Resolution passed and adopted by the Board of Directors at a meeting held on the 27th of April 2023, and that said Resolution is now spread upon the minutes of said Board.

Don Rosa

Secretary of the Board of Directors