

**Board of Directors
Monterey Regional Waste Management District**

**RESOLUTION NO. 2020-12
A RESOLUTION AMENDING THE CONFLICT OF INTEREST CODE
TO REVISE THE LIST OF DESIGNATED POSITIONS**

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WHEREAS, the District, pursuant to the California Fair Political Practices Act, adopted a Conflict of Interest Code in 1998; and

WHEREAS, a review of said Code has indicated that the position of Director of Communications & Sustainability, Last Chance Mercantile/Hazardous Materials Manager, Assistant Materials Recovery Facility Manager, and Site Operations & Facilities Manager be deleted as Designated Positions in Exhibit A of the Code and the positions of Landfill Operations & LFG Systems Manager and Director of Communications should be included as Designated Positions in Exhibit A of the Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Monterey Regional Waste Management District that Exhibit A to the District’s Conflict of Interest Code, as adopted by Resolution No. 76-4 on June 25, 1976, and amended by Resolution No. 88-6 on November 18, 1988, 98-2 on May 15, 1998, 2000-07 on September 15, 2000, 2006-06 on August 18, 2006, 2010-07 on December 17, 2010, 2012-08 on September 21, 2012, 2014-12 on September 19, 2014 and 2016-10 September 23, 2016, September 21, 2018 is hereby further amended to delete the positions of Director of Communications & Sustainability, Last Chance Mercantile/Hazardous Materials Manager, Assistant Materials Recovery Manager, Site Operations & Facilities Manager from the list of Designated Positions.

BE IT FURTHER RESOLVED, that the positions of Director of Communications, be added to the list of Designated Positions with the Disclosure Category for said positions to be “1”, and that the position Landfill Operations & LFG Systems Manager , be added to the list of Designated Positions with the Disclosure Category for said position to be “2”.

PASSED AND ADOPTED by the Board of Directors of the Monterey Regional Waste Management District at a regular meeting duly held on September 18, 2020 by the following vote:

AYES:

NOES:

ABSENT:

Chair Theis, Chair of the Board

ATTEST:

Timothy S. Flanagan
General Manager/Secretary of the Board

**CONFLICT OF INTEREST CODE
OF THE
MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT**

1. Adoption by Incorporation. The Political Reform Act of 1974, Government Code §§81000 *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission had adopted a regulation, 2 California Code of Regulation §18730, which contains the terms of a standard model Conflict of Interest Code, which may 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 California Code of Regulations §18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the following Exhibit A and Exhibit B, 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 Monterey Regional Waste Management District (“District”).
2. Filing of Statements. Pursuant to 2 California Code of Regulations §18730(b)(4), all designated employees shall file statements of economic interests with the District. Upon adoption of this Conflict of Interest Code, the Board Secretary shall advise all persons holding designated positions who have not previously been required to file disclosure statements that an initial statement must be filed within thirty days of this Conflict of Interest Code. Upon receipt of the statements of the District Board of Directors, the District shall make and retain a copy and forward the original of each statement to the code reviewing body. Statements for all other designated employees will be retained by the District.

EXHIBIT A: Designated Positions

<u>List of Designated Positions</u>	<u>Assigned Disclosure Category</u>
District Board of Directors	1
General Manager	1
Director of Engineering & Compliance/District Engineer	1
Director of Finance & Administration	1
Director of Communications & Sustainability	1
Director of Operations	1
Equipment Maintenance Manager	2
Accounting Manager	1
Assistant Accounting Manager	1
Human Resources Manager	1
Last Chance Mercantile/Hazardous Materials Manager	2
Materials Recovery Facility Manager	2
Assistant Materials Recovery Facility Manager	2
Safety & Risk Manager	2
Senior Engineer	2
Site Operations & Facilities Manager <u>Landfill Operations & LFG Systems Manager</u>	2
Legal Counsel	1
Consultants*	1

*For purposes of this Code “Consultant” has the same meaning as set forth in 2 Cal. Code of Regs. section 18700(a)(1), 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 regulations;
 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 which requires agency approval;
 5. Grant agency approval to a contract which requires agency approval and in which the agency is a part 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 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.

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

The District Manager 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 not required to fully comply with the disclosure requirements of Category 1. In such cases, the District Manager 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 District Manager's designation must be filed, in advance of disclosure by the consultant, with the District'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).

EXHIBIT B: Disclosure Categories

General Provisions:

When a member, officer, or employee who holds a designated position is required to disclose investments, sources of income, or financial interests, he or she shall disclose such investments, sources of income, or financial interests, in business entities 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 with the jurisdiction if it owns real property within the jurisdiction.

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

When a designated member, officer, or employee who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in California, plan to do business in California, or have done business in California within the past two years.

For purpose of this Conflict of Interest Code, the jurisdiction of the District is that area within the boundaries of the member entities of the Monterey Regional Waste Management District.

Disclosure Category 1:

A member, officer, or employee holding a position assigned to Disclosure Category 1 shall, in the manner described above, report:

- (a) All investments in business entities and sources of income in the jurisdiction;
- (b) Interests in real property in the jurisdiction;
- (c) His or her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

Disclosure Category 2:

A member, officer, or employee holding a position assigned to Disclosure Category 2 shall, in the manner described above, report:

- (a) All investments, business positions, sources of income, and financial interests of any type of, or in, business entities which provide services, supplies, materials, machinery, or equipment of the type utilized by the District.