

# MENDOCINO COUNCIL OF GOVERNMENTS

BOARD of DIRECTORS

RESOLUTION No. M2019-11

ADOPTING AN AMENDED  
CONFLICT OF INTEREST CODE BY REFERENCE

WHEREAS,

- The Political Reform Act, Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code;
- The Fair Political Practices Commission (FPPC) has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, 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 FPPC pursuant to the Administrative Procedure Act, Government Code Sections 11370, et seq.;
- Incorporation by reference of the aforementioned regulation and amendments to it will save this body time and money by minimizing the actions required of this body to keep the Code in conformity with the Political Reform Act; and
- Mendocino Council of Governments (MCOG) has determined that the attached Appendix A to this Resolution accurately sets forth those positions that should be designated and sets forth those categories of financial interests that should be made reportable; therefore, be it

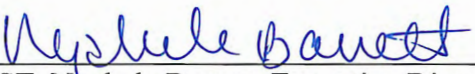
RESOLVED THAT:

1. All previously adopted resolutions approving various separate Conflict of Interest Codes are hereby rescinded.
2. The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute MCOG's Conflict of Interest Code, including positions and disclosure categories as described in Appendix A.
3. Place of Filing: Persons holding designated positions shall file statements of economic interest with the MCOG office. All others required to file statements shall file originals directly with their respective Filing Officers at the County Clerk-Recorder or City Clerk's offices. A courtesy copy to MCOG may be requested, in either paper or electronic format.
4. MCOG staff shall make the statements of Designated Positions available for public inspection and reproduction (Government Code Section 81008).

ADOPTION OF THIS RESOLUTION was moved by Director Brown, seconded by Director Wasserman, and approved on this 2nd day of December, 2019, by the following roll call vote:

AYES: Directors Brown, Kanne, Wasserman, Albin-Smith, Haschak, Jackman (PAC),  
Carter and Gjerde  
NOES: None  
ABSTAINING: None  
ABSENT: None

WHEREUPON, the Chairman declared the resolution adopted, AND SO ORDERED.

  
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ATTEST: Nephelie Barrett, Executive Director

  
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Dan Gjerde, Chair

## MCOG Conflict of Interest Code

### **Designated Positions and Disclosure Categories**

Under provisions of this Code, designated employees shall file statements of economic interests. The following are designated employees because their positions involve the making or participating in the making of decisions which could affect private financial interests materially. The financial effect of a government decision is material if the decision will have a significant effect on a person's or business entity's real property or source of income in question. Any investments, interests in real property and sources of income held by the designated employee's spouse or dependent children must be reported as though held by the designated employee personally.

#### DESIGNATED POSITIONS - *all Disclosure Categories apply*

Consultants engaged by the Council of Governments as designated employees serving in a staff capacity, who shall disclose pursuant to the broadest disclosure category in the Code, to include the following:

1. The Executive Director, as contracted staff
2. The Transportation Planner, as contracted staff

This code shall NOT apply to those consultants with whom the Council contracts on a per-project basis with a limited scope of work and responsibility, as determined by the Executive Director, to include but not limited to the following:

1. Fiscal auditors
2. Performance auditors
3. Overall Work Program project consultants
4. Other specific project consultants and contractors.

Further, the Executive Director may determine in writing that a particular consultant, who could be considered for 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 described in this Appendix. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director'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.

DISCLOSURE CATEGORIES - *reportable for all Designated Positions*

1. Investments or positions in any business entity that, within the last two years, has contracted, or in the foreseeable future might contract with the Council to provide services, supplies, materials, machinery or equipment to the Council. See Government Code Sections 82034, 87103, 87206.
2. Income from any source that, within the last 12 months, has contracted, or in the foreseeable future might contract with the Council to provide services, supplies, materials, machinery or equipment to the Council. See Government Code Sections 82030, 87103, 87207.
3. Interest in Real Property located in whole or in part either within the Council's jurisdiction, including any leasehold, beneficial or ownership interest, or option to acquire such interest in real property. See Government Code Sections 82033, 87103, 87206.